

Senate File 2320 - Introduced

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3241)

(COMPANION TO LSB 5697HV
BY COMMITTEE ON JUDICIARY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5697SV 82
5 lh/rj/5

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1 1 DIVISION I
1 2 MISCELLANEOUS CORRECTIONS
1 3 Section 1. Section 2.28, Code 2007, is amended to read as
1 4 follows:
1 5 2.28 TELLERS.
1 6 1. After the time for the meeting of the joint convention
1 7 has been designated each house shall appoint three tellers,
1 8 and the six shall act as judges of the election.
1 9 2. Canvassing the votes for governor and lieutenant
1 10 governor shall be conducted substantially according to the
1 11 provisions of sections 2.25 ~~to 2.28 through 2.27 and this~~
1 12 ~~section.~~
1 13 Sec. 2. Section 7K.1, subsection 2, paragraph i, Code
1 14 2007, is amended to read as follows:
1 15 i. Identify ways to reduce the achievement gap between
1 16 white and ~~non-white~~ nonwhite, non-Asian students.
1 17 Sec. 3. Section 12C.16, subsection 1, paragraph b, Code
1 18 Supplement 2007, is amended to read as follows:
1 19 b. (1) The credit union may deposit, maintain, pledge and
1 20 assign for the benefit of the public officer in the manner
1 21 provided in this chapter, securities approved by the public
1 22 officer, the market value of which is not less than one
1 23 hundred ten percent of the total deposits of public funds
1 24 placed by that public officer in the credit union. The
1 25 securities shall consist of any of the following:
1 26 ~~(1)~~ (a) Direct obligations of, or obligations that are
1 27 insured or fully guaranteed as to principal and interest by,
1 28 the United States of America or an agency or instrumentality
1 29 of the United States of America.
1 30 ~~(2)~~ (b) Public bonds or obligations of this state or a
1 31 political subdivision of this state.
1 32 ~~(3)~~ (c) Public bonds or obligations of another state or a
1 33 political subdivision of another state whose bonds are rated
1 34 within the two highest classifications of prime as established
1 35 by at least one of the standard rating services approved by
2 1 the superintendent of banking pursuant to chapter 17A.
2 2 ~~(4)~~ (d) To the extent of the guarantee, loans,
2 3 obligations, or nontransferable letters of credit upon which
2 4 the payment of principal and interest is fully secured or
2 5 guaranteed by the United States of America or an agency or
2 6 instrumentality of the United States of America or the United
2 7 States central credit union, a corporate central credit union
2 8 organized under section 533.213, or a corporate credit union
2 9 organized under 12 C.F.R. } 704, and the rating of any one of
2 10 such credit unions remains within the two highest
2 11 classifications of prime established by at least one of the
2 12 standard rating services approved by the superintendent of
2 13 banking by rule pursuant to chapter 17A. The treasurer of
2 14 state shall adopt rules pursuant to chapter 17A to implement
2 15 this section.

2 16 (5) (e) First lien mortgages which are valued according
2 17 to practices acceptable to the treasurer of state.
2 18 ~~(6)~~ (f) Investments in an open-end management investment
2 19 company registered with the federal securities and exchange
2 20 commission under the federal Investment Company Act of 1940,
2 21 15 U.S.C. } ~~80(a)~~ 80a, which is operated in accordance with 17
2 22 C.F.R. } 270.2a=7.
2 23 (2) Direct obligations of, or obligations that are insured
2 24 or fully guaranteed as to principal and interest by, the
2 25 United States of America, which may be used to secure the
2 26 deposit of public funds under subparagraph (1), subparagraph
2 27 subdivision (a), include investments in an investment company
2 28 or investment trust registered under the federal Investment
2 29 Company Act of 1940, 15 U.S.C. } 80a, the portfolio of which
2 30 is limited to the United States government obligations
2 31 described in subparagraph (1), subparagraph subdivision (a),
2 32 and to repurchase agreements fully collateralized by the
2 33 United States government obligations described in subparagraph
2 34 (1), subparagraph subdivision (a), if the investment company
2 35 or investment trust takes delivery of the collateral either
3 1 directly or through an authorized custodian.
3 2 Sec. 4. Section 15.393, subsection 1, unnumbered paragraph
3 3 1, Code Supplement 2007, is amended to read as follows:
3 4 The department shall establish and administer a film,
3 5 television, and video project promotion program that provides
3 6 for the registration of projects to be shot on location in the
3 7 state. A project that is registered under the program is
3 8 entitled to the assistance provided in subsection 2. A fee
3 9 shall not be charged for registering. The department shall
3 10 not register a project unless the department determines that
3 11 all of the following criteria are met:
3 12 Sec. 5. Section 15.393, subsection 2, paragraph a,
3 13 subparagraph (2), Code Supplement 2007, is amended to read as
3 14 follows:
3 15 (2) A qualified expenditure by a taxpayer is a payment to
3 16 an Iowa resident or an Iowa-based business for the sale,
3 17 rental, or furnishing of tangible personal property or for
3 18 services directly related to the registered project including
3 19 but not limited to aircraft, vehicles, equipment, materials,
3 20 supplies, accounting, animals and animal care, artistic and
3 21 design services, graphics, construction, data and information
3 22 services, delivery and pickup services, ~~graphics~~, labor and
3 23 personnel, lighting, makeup and hairdressing, film, music,
3 24 photography, sound, video and related services, printing,
3 25 research, site fees and rental, travel related to Iowa distant
3 26 locations, trash removal and cleanup, and wardrobe. For the
3 27 purposes of this subparagraph, "labor and personnel" does not
3 28 include the director, producers, or cast members other than
3 29 extras and stand-ins. The department of revenue, in
3 30 consultation with the department of economic development,
3 31 shall by rule establish a list of eligible expenditures.
3 32 Sec. 6. Section 16.181, subsection 1, paragraph b,
3 33 subparagraph (1), Code Supplement 2007, is amended to read as
3 34 follows:
3 35 (1) Any assets received by the authority from the former
4 1 Iowa housing corporation.
4 2 Sec. 7. Section 35.9, subsection 1, paragraph a, Code
4 3 2007, is amended to read as follows:
4 4 a. The department may expend not more than six hundred
4 5 dollars per year for any one child who has lived in the state
4 6 of Iowa for two years preceding application for state
4 7 educational assistance, and who is the child of a person who
4 8 died prior to September 11, 2001, during active federal
4 9 military service while serving in the armed forces or during
4 10 active federal military service in the Iowa national guard or
4 11 other military component of the United States, to defray the
4 12 expenses of tuition, matriculation, laboratory and similar
4 13 fees, books and supplies, board, lodging, and any other
4 14 reasonably necessary expense for the child or children
4 15 incident to attendance in this state at an educational or
4 16 training institution of college grade, or in a business or
4 17 vocational training school with standards approved by the
4 18 department ~~of veterans affairs~~.
4 19 Sec. 8. Section 42.4, subsection 8, paragraph b,
4 20 subparagraph (2), Code Supplement 2007, is amended to read as
4 21 follows:
4 22 (2) Each holdover senatorial district to which
4 23 subparagraph (1) is not applicable shall elect a senator in
4 24 the year ending in two for a two-year term commencing in
4 25 January of the year ending in three. However, if more than
4 26 one incumbent state senator is residing in a holdover

4 27 senatorial district on the first Wednesday in February of the
4 28 year ending in two, and, on or before the first Wednesday in
4 29 February of the year ending in two, all but one of the
4 30 incumbent senators resigns from office effective no later than
4 31 January of the year ending in three, the remaining incumbent
4 32 senator shall represent the district in the senate for the
4 33 general assembly commencing in January of the year ending in
4 34 three. A copy of ~~the~~ each resignation must be filed in the
4 35 office of the secretary of state no later than five p.m. on
5 1 the third Wednesday in February of the year ending in two.

5 2 Sec. 9. Section 85.61, unnumbered paragraph 1, Code
5 3 Supplement 2007, is amended to read as follows:

5 4 In this chapter and chapters 86 and 87, unless the context
5 5 otherwise requires, the following definitions of terms shall
5 6 prevail:

5 7 Sec. 10. Section 85.61, subsection 1, Code Supplement
5 8 2007, is amended to read as follows:

5 9 1. The word "court" wherever used in this chapter and
5 10 chapters 86 and 87, unless the context shows otherwise, shall
5 11 be taken to mean the district court.

5 12 Sec. 11. Section 87.2, Code 2007, is amended to read as
5 13 follows:

5 14 87.2 NOTICE OF FAILURE TO INSURE.

5 15 1. An employer who fails to insure the employer's
5 16 liability as required by this chapter shall keep posted a sign
5 17 of sufficient size and so placed as to be easily seen by the
5 18 employer's employees in the immediate vicinity where working,
5 19 which sign shall read as follows:

5 20 NOTICE TO EMPLOYEES

5 21 You are hereby notified that the undersigned employer has
5 22 failed to insure the employer's liability to pay compensation
5 23 as required by law, and that because of such failure the
5 24 employer is liable to the employer's employees in damages for
5 25 personal injuries sustained by the employer's employees.

5 26 (Signed)

5 27 2. An employer coming under the provisions of this chapter
5 28 and chapters 85, 85A, 85B, and 86 who fails to comply with
5 29 this section or to post and keep the above notice in the
5 30 manner and form required, shall be guilty of a simple
5 31 misdemeanor.

5 32 Sec. 12. Section 97D.4, subsection 1, Code 2007, is
5 33 amended to read as follows:

5 34 1. A public retirement systems committee is established.

5 35 a. The committee consists of five members of the senate
6 1 appointed by the majority leader of the senate in consultation
6 2 with the minority leader and five members of the house of
6 3 representatives appointed by the speaker of the house in
6 4 consultation with the minority leader. ~~The committee shall~~
~~6 5 elect a chairperson and vice chairperson. Meetings may be~~
~~6 6 called by the chairperson or a majority of the members.~~

6 7 b. Members shall be appointed prior to January 31 of the
6 8 first regular session of each general assembly and shall serve
6 9 for terms ending upon the convening of the following general
6 10 assembly or when their successors are appointed, whichever is
6 11 later. A vacancy shall be filled in the same manner as the
6 12 original appointment and shall be for the remainder of the
6 13 unexpired term of the vacancy.

6 14 c. The committee shall elect a chairperson and vice
6 15 chairperson. Meetings may be called by the chairperson or a
6 16 majority of the members.

6 17 Sec. 13. Section 97D.4, subsection 4, Code 2007, is
6 18 amended to read as follows:

6 19 4. The committee may ~~contract~~:

6 20 a. Contract for actuarial assistance deemed necessary, and
6 21 the costs of actuarial studies are payable from funds
6 22 appropriated in section 2.12, subject to the approval of the
6 23 legislative council. ~~The committee may administer~~

6 24 b. Administer oaths, issue subpoenas, and cite for
6 25 contempt with the approval of the general assembly when the
6 26 general assembly is in session and with the approval of the
6 27 legislative council when the general assembly is not in
6 28 session.

6 29 5. Administrative assistance shall be provided by the
6 30 legislative services agency.

6 31 Sec. 14. Section 99B.10B, subsection 3, paragraph b,
6 32 subparagraph (1), Code Supplement 2007, is amended to read as
6 33 follows:

6 34 (1) If a written request for a hearing is not received
6 35 within thirty days after the mailing or service of the notice,
7 1 the denial, suspension, or revocation of a ~~registrant~~
7 2 registration shall become effective pending a final

7 3 determination by the department. The proposed action in the
7 4 notice may be affirmed, modified, or set aside by the
7 5 department in a written decision.

7 6 Sec. 15. Section 99F.12, subsection 2, Code Supplement
7 7 2007, is amended to read as follows:

7 8 2. The licensee shall furnish to the commission reports
7 9 and information as the commission may require with respect to
7 10 ~~its the licensee's~~ activities. The gross receipts and
7 11 adjusted gross receipts from gambling shall be separately
7 12 handled and accounted for from all other moneys received from
7 13 operation of an excursion gambling boat or from operation of a
7 14 racetrack enclosure or gambling structure licensed to conduct
7 15 gambling games. The commission may designate a representative
7 16 to board a licensed excursion gambling boat or to enter a
7 17 racetrack enclosure or gambling structure licensed to conduct
7 18 gambling games, ~~who~~. The representative shall have full
7 19 access to all places within the enclosure of the boat, the
7 20 gambling structure, or the racetrack enclosure, ~~who and~~ shall
7 21 directly supervise the handling and accounting of all gross
7 22 receipts and adjusted gross receipts from gambling, ~~and who~~.
7 23 The representative shall supervise and check the admissions.

7 24 The compensation of a representative shall be fixed by the
7 25 commission but shall be paid by the licensee.

7 26 Sec. 16. Section 99G.30A, subsection 2, paragraph b, Code
7 27 2007, is amended to read as follows:

7 28 b. All powers and requirements of the director to
7 29 administer the state sales and use tax law are applicable to
7 30 the administration of the monitor vending machine excise tax,
7 31 including but not limited to the provisions of section 422.25,
7 32 subsection 4, sections 422.30, 422.67, and 422.68, section
7 33 422.69, subsection 1, sections 422.70 ~~to through~~ 422.75,
7 34 section 423.14, subsection 1 and subsection 2, paragraphs "b"
7 35 through "e", and sections 423.15, 423.23, 423.24, 423.25,
8 1 423.31 ~~to through~~ 423.35, 423.37 ~~to through~~ 423.42, 423.46,
8 2 and 423.47.

8 3 Sec. 17. Section 100.18, subsection 3, Code 2007, is
8 4 amended to read as follows:

8 5 3. This section does not require the following:

8 6 a. ~~The~~ installation of smoke detectors in multiple-unit
8 7 residential buildings which, on July 1, 1981, are equipped
8 8 with heat detection devices or a sprinkler system with alarms
8 9 approved by the state fire marshal.

8 10 b. ~~This section does not require the~~ The installation of
8 11 smoke detectors in hotels, motels, and dormitories equipped
8 12 with an automatic smoke detection system approved by the state
8 13 fire marshal.

8 14 Sec. 18. Section 101B.4, subsection 1, paragraph b, Code
8 15 Supplement 2007, is amended to read as follows:

8 16 b. The department may adopt a subsequent ASTM
8 17 international standard test method for measuring the ignition
8 18 strength of cigarettes upon a finding that the subsequent
8 19 method does not result in a change in the percentage of
8 20 full-length burns exhibited by any tested cigarette when
8 21 compared to the percentage of full-length burns the same
8 22 cigarette would exhibit when tested in accordance with ASTM
8 23 international standard E2187=04 and the performance standard
8 24 in this section.

8 25 Sec. 19. Section 103.1, subsection 8, Code Supplement
8 26 2007, is amended to read as follows:

8 27 8. "Electrical contractor" means a person affiliated with
8 28 an electrical contracting firm or business who is licensed by
8 29 the board as either a class A or class B master electrician
8 30 and who is also registered with the state of Iowa as a
8 31 contractor pursuant to chapter 91C.

8 32 Sec. 20. Section 103.6, Code Supplement 2007, is amended
8 33 to read as follows:

8 34 103.6 POWERS AND DUTIES.

8 35 1. The board shall:

9 1 ~~1-~~ a. Adopt rules pursuant to chapter 17A and in doing so
9 2 shall be governed by the minimum standards set forth in the
9 3 most current publication of the national electrical code
9 4 issued and adopted by the national fire protection
9 5 association, and amendments to the code, which code and
9 6 amendments shall be filed in the offices of the secretary of
9 7 state and the board and shall be a public record. The board
9 8 shall adopt rules reflecting updates to the code and
9 9 amendments to the code. The board shall promulgate and adopt
9 10 rules establishing wiring standards that protect public safety
9 11 and health and property and that apply to all electrical
9 12 wiring which is installed subject to this chapter.

9 13 2- b. Revoke, suspend, or refuse to renew any license

9 14 granted pursuant to this chapter when the licensee:
9 15 ~~a. (1) Fails or refuses to pay any examination, license,~~
9 16 ~~or renewal fee required by law.~~
9 17 ~~b. (2) Is an electrical contractor and fails or refuses~~
9 18 ~~to provide and keep in force a public liability insurance~~
9 19 ~~policy and surety bond as required by the board.~~
9 20 ~~c. (3) Violates any political subdivision's inspection~~
9 21 ~~ordinances.~~
9 22 ~~The board may, in its discretion, revoke, suspend, or~~
9 23 ~~refuse to renew any license granted pursuant to this chapter~~
9 24 ~~when the licensee violates any provision of the national~~
9 25 ~~electrical code as adopted pursuant to subsection 1, this~~
9 26 ~~chapter, or any rule adopted pursuant to this chapter.~~
9 27 ~~3. c. Adopt rules for continuing education requirements~~
9 28 ~~for each classification of licensure established pursuant to~~
9 29 ~~this chapter, and adopt all rules, not inconsistent with the~~
9 30 ~~law, necessary for the proper performance of the duties of the~~
9 31 ~~board.~~
9 32 ~~4. d. Provide for the amount and collection of fees for~~
9 33 ~~inspection and other services.~~
9 34 ~~2. The board may, in its discretion, revoke, suspend, or~~
9 35 ~~refuse to renew any license granted pursuant to this chapter~~
10 1 ~~when the licensee violates any provision of the national~~
10 2 ~~electrical code as adopted pursuant to subsection 1, this~~
10 3 ~~chapter, or any rule adopted pursuant to this chapter.~~
10 4 Sec. 21. Section 103.9, subsection 1, Code Supplement
10 5 2007, is amended to read as follows:
10 6 1. An applicant for an electrical contractor license shall
10 7 either be or employ a licensed class A or class B master
10 8 electrician, and be registered with the state of Iowa as a
10 9 contractor pursuant to chapter 91C.
10 10 Sec. 22. Section 103.22, subsections 1 and 3, Code
10 11 Supplement 2007, are amended to read as follows:
10 12 1. Apply to a person licensed as an engineer pursuant to
10 13 chapter 542B, registered as an architect pursuant to chapter
10 14 544A, licensed as a landscape architect pursuant to chapter
10 15 544B, or designated as lighting certified by the national
10 16 council on qualifications for the lighting professions who is
10 17 providing consultations and developing plans concerning
10 18 electrical installations and who is exclusively engaged in the
10 19 practice of the person's profession.
10 20 3. Require any person doing work for which a license would
10 21 otherwise be required under this chapter to hold a license
10 22 issued under this chapter if the person is the holder of a
10 23 valid license issued by any political subdivision, so long as
10 24 the person makes electrical installations only in within the
10 25 jurisdictional limits of such political subdivision and such
10 26 license issued by the political subdivision meets the
10 27 requirements of this chapter.
10 28 Sec. 23. Section 123A.2, subsection 9, Code Supplement
10 29 2007, is amended to read as follows:
10 30 9. "Good faith" means honesty in fact and the observance
10 31 of reasonable commercial standards of fair dealing in the
10 32 trade and defined and interpreted under section ~~554.2103~~
10 33 554.1201.
10 34 Sec. 24. Section 135N.5, subsection 1, Code Supplement
10 35 2007, is amended to read as follows:
11 1 1. The committee shall meet no less than four times per
11 2 year and is subject to chapters ~~20 and 21~~ and 22 relating to
11 3 open meetings and public records.
11 4 Sec. 25. Section 141A.9, subsection 2, paragraph i, Code
11 5 Supplement 2007, is amended to read as follows:
11 6 i. Pursuant to section 915.43, to a convicted or alleged
11 7 sexual assault offender; the physician or other health care
11 8 provider who orders the test of a convicted or alleged
11 9 offender; the victim; the parent, guardian, or custodian of
11 10 the victim if the victim is a minor; the physician of the
11 11 victim if requested by the victim; the victim counselor or
11 12 person requested by the victim to provide counseling regarding
11 13 the HIV-related test and results; the victim's spouse; persons
11 14 with whom the victim has engaged in vaginal, anal, or oral
11 15 intercourse subsequent to the sexual assault; members of the
11 16 victim's family within the third degree of consanguinity; and
11 17 the county attorney who may use the results as evidence in the
11 18 prosecution of sexual assault under chapter 915, subchapter
11 19 IV, or prosecution of the offense of criminal transmission of
11 20 HIV under chapter 709C. For the purposes of this paragraph,
11 21 "victim" means victim as defined in section 915.40.
11 22 Sec. 26. Section 147.14, subsection 23, Code Supplement
11 23 2007, is amended to read as follows:
11 24 23. For nursing home administrators, a total of nine

11 25 members: Four licensed nursing home administrators, one of
11 26 whom is the administrator of a nonproprietary nursing home;
11 27 three licensed members of any profession concerned with the
11 28 care and treatment of chronically ill or elderly patients who
11 29 are not nursing home administrators or nursing home owners;
11 30 and two members of the general public who are not licensed
11 31 under this chapter ~~147~~, have no financial interest in any
11 32 nursing home, and who shall represent the general public. A
11 33 majority of the members of the board constitutes a quorum.

11 34 Sec. 27. Section 147.37, Code Supplement 2007, is amended
11 35 to read as follows:

12 1 147.37 IDENTITY OF CANDIDATE CONCEALED.

12 2 All examinations ~~in~~ on theory shall be in writing, and the
12 3 identity of the person taking the ~~same examination~~ shall not
12 4 be disclosed upon the examination papers in such a way as to
12 5 enable the members of the board to know ~~by whom written the~~
12 6 candidate's identity until after the papers have been passed
12 7 upon. In examinations ~~in~~ on practice the identity of the
12 8 candidate shall also be concealed as far as possible.

12 9 Sec. 28. Section 148.3, subsection 1, unnumbered paragraph
12 10 1, Code Supplement 2007, is amended to read as follows:

12 11 Present a diploma issued by a medical college approved by
12 12 the board, or present other evidence of equivalent medical
12 13 education approved by the board. The board may accept, in
12 14 lieu of a diploma from a medical college approved by ~~them~~ the
12 15 board, all of the following:

12 16 Sec. 29. Section 159.20, Code 2007, is amended to read as
12 17 follows:

12 18 159.20 POWERS OF DEPARTMENT.

12 19 1. The department shall perform duties designed to lead to
12 20 more advantageous marketing of Iowa agricultural commodities.
12 21 The department may do any of the following:

12 22 ~~1-~~ a. Investigate the marketing of agricultural
12 23 commodities.

12 24 ~~2-~~ b. Promote the sale, distribution, and merchandising
12 25 of agricultural commodities.

12 26 ~~3-~~ c. Furnish information and assistance concerning
12 27 agricultural commodities to the public.

12 28 ~~4-~~ d. Cooperate with the college of agriculture and life
12 29 sciences of the Iowa state university of science and

12 30 technology in encouraging agricultural marketing education and
12 31 research.

12 32 ~~5-~~ e. Accumulate and diffuse information concerning the
12 33 marketing of agricultural commodities in cooperation with
12 34 persons, agencies, or the federal government.

12 35 ~~6-~~ f. Investigate methods and practices related to the
13 1 processing, handling, grading, classifying, sorting, weighing,
13 2 packing, transportation, storage, inspection, or merchandising
13 3 of agricultural commodities within this state.

13 4 ~~7-~~ g. Ascertain sources of supply for Iowa agricultural
13 5 commodities. The department shall prepare and periodically
13 6 publish lists of names and addresses of producers and
13 7 consignors of agricultural commodities.

13 8 ~~8-~~ h. Perform inspection or grading of an agricultural
13 9 commodity if requested by a person engaged in the production,
13 10 marketing, or processing of the agricultural commodity.
13 11 However, the person must pay for the services as provided by
13 12 rules adopted by the department.

13 13 ~~9-~~ i. Cooperate with the Iowa department of economic
13 14 development to avoid duplication of efforts between the
13 15 department and the agricultural marketing program operated by
13 16 the Iowa department of economic development.

13 17 ~~10-~~ j. Assist the office of renewable fuels and
13 18 coproducts and the renewable fuels and coproducts advisory
13 19 committee in administering the provisions of chapter 159A.

13 20 2. As used in this subchapter, "agricultural commodity"
13 21 means any unprocessed agricultural product, including animals,
13 22 agricultural crops, and forestry products grown, raised,
13 23 produced, or fed in Iowa for sale in commercial channels.
13 24 "Commercial channels" means the processes of sale of an
13 25 agricultural commodity or unprocessed product from the
13 26 agricultural commodity to any person, public or private, who
13 27 resells the agricultural commodity for breeding, processing,
13 28 slaughter, or distribution.

13 29 Sec. 30. Section 175A.2, subsection 1, Code 2007, is
13 30 amended to read as follows:

13 31 1. A grape and wine development commission is established
13 32 within the department. The commission shall be composed of
13 33 the following persons:

13 34 a. The following persons, or their designees, who shall
13 35 serve as nonvoting, ex officio members:

14 1 (1) The secretary of agriculture.
14 2 (2) The dean of the college of agriculture and life
14 3 sciences of Iowa state university of science and technology.
14 4 (3) The director of the department of economic
14 5 development.
14 6 (4) The director of the department of natural resources.
14 7 b. The following persons appointed by the secretary of
14 8 agriculture, who shall serve as voting members:
14 9 (1) Two growers.
14 10 (2) Two winemakers.
14 11 (3) One retail seller.
14 12 c. The secretary of agriculture shall appoint the voting
14 13 members based on a list of nominations submitted by
14 14 organizations representing growers, winemakers, and retail
14 15 sellers as certified by the department according to
14 16 requirements of the department. Appointments of voting
14 17 members are subject to the requirements of sections 69.16 and
14 18 69.16A. In addition, the appointments shall be geographically
14 19 balanced. Unless the secretary of agriculture determines that
14 20 it is not feasible, at least one person appointed as a voting
14 21 member shall reside in each of the state's congressional
14 22 districts at the time of appointment. The secretary of
14 23 agriculture's appointees shall be confirmed by the senate,
14 24 pursuant to section 2.32.
14 25 Sec. 31. Section 178.3, subsection 2, Code 2007, is
14 26 amended to read as follows:
14 27 2. The dean of the college of agriculture and life
14 28 sciences of the Iowa state university of science and
14 29 technology.
14 30 Sec. 32. Section 181.3, subsection 1, paragraph d, Code
14 31 2007, is amended to read as follows:
14 32 d. The dean of the college of agriculture and life
14 33 sciences of Iowa state university of science and technology or
14 34 a designee, who shall serve as a voting ex officio member.
14 35 Sec. 33. Section 182.5, Code 2007, is amended to read as
15 1 follows:
15 2 182.5 COMPOSITION OF BOARD.
15 3 The Iowa sheep and wool promotion board established under
15 4 this chapter shall be composed of nine producers, one from
15 5 each district. The dean of the college of agriculture and
15 6 life sciences of Iowa state university of science and
15 7 technology or the dean's representative and the secretary or
15 8 the secretary's designee shall serve as ex officio nonvoting
15 9 members of the board. The board shall annually elect a
15 10 chairperson from its membership.
15 11 Sec. 34. Section 183A.2, Code 2007, is amended to read as
15 12 follows:
15 13 183A.2 IOWA PORK PRODUCERS COUNCIL.
15 14 The Iowa pork producers council is created. The council
15 15 consists of seven members, including two producers from each
15 16 of three districts of the state designated by the secretary,
15 17 and one producer from the state at large. The secretary shall
15 18 appoint these members. The Iowa pork producers association
15 19 may recommend the names of potential members, but the
15 20 secretary is not bound by the recommendations. The secretary,
15 21 the dean of the college of agriculture and life sciences of
15 22 Iowa state university of science and technology, and the state
15 23 veterinarian, or their designees, shall serve on the council
15 24 as nonvoting ex officio members.
15 25 Sec. 35. Section 185.3, subsection 2, paragraph b, Code
15 26 2007, is amended to read as follows:
15 27 b. The dean of the college of agriculture and life
15 28 sciences of Iowa state university of science and technology or
15 29 the dean's designee.
15 30 Sec. 36. Section 185C.10, subsection 2, Code 2007, is
15 31 amended to read as follows:
15 32 2. The dean of the college of agriculture and life
15 33 sciences of Iowa state university of science and technology or
15 34 the dean's designee.
15 35 Sec. 37. Section 214A.2B, Code Supplement 2007, is amended
16 1 to read as follows:
16 2 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.
16 3 A laboratory for motor fuel and biofuels is established at
16 4 a merged area school which is engaged in biofuels testing on
16 5 July 1, 2007, and which testing includes but is not limited to
16 6 ~~B20~~ B=20 biodiesel testing for motor trucks and the ability of
16 7 biofuels to meet A.S.T.M. international standards. The
16 8 laboratory shall conduct testing of motor fuel sold in this
16 9 state and biofuel which is blended in motor fuel in this state
16 10 to ensure that the motor fuel or biofuels meet the
16 11 requirements in section 214A.2.

16 12 Sec. 38. Section 216.9, subsection 2, Code Supplement
16 13 2007, is amended to read as follows:

16 14 2. For the purpose of this section, "educational
16 15 institution" includes any preschool, elementary, ~~or~~ secondary
16 16 ~~school, or~~ community college, area education agency, or
16 17 postsecondary college or university and their governing
16 18 boards. This section does not prohibit an educational
16 19 institution from maintaining separate toilet facilities,
16 20 locker rooms, or living facilities for the different sexes so
16 21 long as comparable facilities are provided. Nothing in this
16 22 section shall be construed as prohibiting any bona fide
16 23 religious institution from imposing qualifications based on
16 24 religion, sexual orientation, or gender identity when such
16 25 qualifications are related to a bona fide religious purpose or
16 26 any institution from admitting students of only one sex.

16 27 Sec. 39. Section 231D.5, Code Supplement 2007, is amended
16 28 to read as follows:

16 29 231D.5 DENIAL, SUSPENSION, OR REVOCATION.

16 30 1. The department may deny, suspend, or revoke
16 31 certification if the department finds that there has been a
16 32 substantial or repeated failure on the part of the adult day
16 33 services program to comply with this chapter or the rules or
16 34 minimum standards adopted pursuant to this chapter, or for any
16 35 of the following reasons:

17 1 a. Appropriation or conversion of the property of a
17 2 participant without the participant's written consent or the
17 3 written consent of the participant's legal representative.

17 4 b. Permitting, aiding, or abetting the commission of any
17 5 illegal act in the adult day services program.

17 6 c. Obtaining or attempting to obtain or retain
17 7 certification by fraudulent means, misrepresentation, or by
17 8 submitting false information.

17 9 d. Habitual intoxication or addiction to the use of drugs
17 10 by the applicant, owner, manager, or supervisor of the adult
17 11 day services program.

17 12 e. Securing the devise or bequest of the property of a
17 13 participant by undue influence.

17 14 f. Failure or neglect to maintain a required continuing
17 15 education and training program for all personnel employed in
17 16 the adult day services program.

17 17 g. Founded dependent adult abuse as defined in section
17 18 235B.2.

17 19 h. In the case of any officer, member of the board of
17 20 directors, trustee, or designated manager of the program or
17 21 any stockholder, partner, or individual who has greater than a
17 22 five percent equity interest in the program, having or having
17 23 had an ownership interest in an adult day services program,
17 24 assisted living program, elder group home, home health agency,
17 25 residential care facility, or licensed nursing facility in any
17 26 state which has been closed due to removal of program, agency,
17 27 or facility licensure or certification or involuntary
17 28 termination from participation in either the medical
17 29 assistance or Medicare programs, or having been found to have
17 30 failed to provide adequate protection or services for
17 31 participants to prevent abuse or neglect.

17 32 i. In the case of a certificate applicant or an existing
17 33 certified owner or operator who is an entity other than an
17 34 individual, the person is in a position of control or is an
17 35 officer of the entity and engages in any act or omission
18 1 proscribed by this chapter.

18 2 ~~j. For any other reason as provided by law or~~
18 3 ~~administrative rule.~~

18 4 ~~2. j.~~ In the case of an application by an existing
18 5 certificate holder for a new or newly acquired adult day
18 6 services program, continuing or repeated failure of the
18 7 certificate holder to operate any previously certified adult
18 8 day services program in compliance with this chapter or of the
18 9 rules adopted pursuant to this chapter.

18 10 ~~k. For any other reason as provided by law or~~
18 11 ~~administrative rule.~~

18 12 ~~3. 2.~~ In the case of a certificate applicant or existing
18 13 certificate holder which is an entity other than an
18 14 individual, the department may deny, suspend, or revoke a
18 15 certificate if any individual who is in a position of control
18 16 or is an officer of the entity engages in any act or omission
18 17 proscribed by this section.

18 18 Sec. 40. Section 234.7, subsection 1, Code 2007, is
18 19 amended to read as follows:

18 20 1. The department of human services shall comply with the
18 21 ~~following requirement~~ provision associated with child foster
18 22 care licensees under chapter 237+

18 23 ~~The department shall include that requires that~~ a child's
18 24 foster parent be included in, and ~~provide~~ be provided timely
18 25 notice of, planning and review activities associated with the
18 26 child, including but not limited to permanency planning and
18 27 placement review meetings, which shall include discussion of
18 28 the child's rehabilitative treatment needs.

18 29 Sec. 41. Section 236.5, subsection 2, unnumbered paragraph
18 30 1, Code 2007, is amended to read as follows:

18 31 The court may grant a ~~protection~~ protective order or
18 32 approve a consent agreement which may contain but is not
18 33 limited to any of the following provisions:

18 34 Sec. 42. Section 236.5, subsection 2, unnumbered paragraph
18 35 2, Code 2007, is amended to read as follows:

19 1 An order for counseling, a ~~protection~~ protective order, or
19 2 approved consent agreement shall be for a fixed period of time
19 3 not to exceed one year. The court may amend or extend its
19 4 order or a consent agreement at any time upon a petition filed
19 5 by either party and after notice and hearing. The court may
19 6 extend the order if the court, after hearing at which the
19 7 defendant has the opportunity to be heard, finds that the
19 8 defendant continues to pose a threat to the safety of the
19 9 victim, persons residing with the victim, or members of the
19 10 victim's immediate family. At the time of the extension, the
19 11 parties need not meet the requirement in section 236.2,
19 12 subsection 2, paragraph "d", that the parties lived together
19 13 during the last year if the parties met the requirements of
19 14 section 236.2, subsection 2, paragraph "d", at the time of the
19 15 original order. The number of extensions that can be granted
19 16 by the court is not limited.

19 17 Sec. 43. Section 249A.30A, Code Supplement 2007, is
19 18 amended to read as follows:

19 19 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.

19 20 The personal needs allowance under the medical assistance
19 21 program, which may be retained by a person who is a resident
19 22 of a nursing facility, an intermediate care facility for
19 23 persons with mental retardation, or an intermediate care
19 24 facility for persons with mental illness, as defined in
19 25 section 135C.1, or a person who is a resident of a psychiatric
19 26 medical institution for children as defined in section 135H.1,
19 27 shall be fifty dollars per month. A resident who has income
19 28 of less than fifty dollars per month shall receive a
19 29 supplement from the state in the amount necessary to receive a
19 30 personal needs allowance of fifty dollars per month, if
19 31 funding is specifically appropriated for this purpose.

19 32 Sec. 44. Section 256C.3, subsection 4, paragraph d, Code
19 33 Supplement 2007, is amended to read as follows:

19 34 d. ~~Career Professional~~ development for school district
19 35 preschool teachers shall be addressed in the school district's
20 1 ~~career professional~~ development plan implemented in accordance
20 2 with section 284.6.

20 3 Sec. 45. Section 257.11, subsection 6, paragraph c, Code
20 4 Supplement 2007, is amended to read as follows:

20 5 c. Supplementary weighting pursuant to this subsection
20 6 shall be available to an area education agency for a maximum
20 7 of five years during the period commencing with the budget
20 8 year beginning July 1, 2008. The minimum amount of additional
20 9 funding for which an area education agency shall be eligible
20 10 is fifty thousand dollars, and the maximum amount of
20 11 additional funding for which an area education agency shall be
20 12 eligible is two hundred thousand dollars. The department of
20 13 management shall annually set a weighting for each area
20 14 education agency to generate the approved operational sharing
20 15 expense using the area education agency's special education
20 16 cost per pupil amount and foundation level. Receipt of
20 17 supplementary weighting by an area education agency for more
20 18 than one year shall be contingent upon the annual submission
20 19 of information by the district to the department documenting
20 20 cost savings directly attributable to the shared operational
20 21 functions. Criteria for determining the number of years for
20 22 which supplementary weighting shall be received pursuant to
20 23 this subsection, subject to the five-year maximum, and the
20 24 amount generated by the supplementary weighting, and for
20 25 determining qualification of operational functions for
20 26 supplementary weighting shall be determined by the department
20 27 by rule, through consideration of long-term savings by the
20 28 area ~~educational~~ education agency or increased student
20 29 opportunities.

20 30 Sec. 46. Section 308.3, subsection 1, 4, and 5, Code 2007,
20 31 are amended to read as follows:

20 32 1. "Conservation area" means land in which the state
20 33 department of transportation or the department of natural

20 34 resources has acquired rights, other than that land necessary
20 35 for a ~~right-of-way~~ ~~right-of-way~~.

21 1 4. "Right of way" "Right-of-way" means land area dedicated
21 2 to public use for a highway and its maintenance, and includes
21 3 land acquired in fee simple or by permanent easement for
21 4 highway purposes, but does not include temporary easements or
21 5 rights for supplementary highway appurtenances.

21 6 5. "A scenic and recreational highway" means a public
21 7 highway designated to allow enjoyment of aesthetic and scenic
21 8 views, points of historical, archaeological and scientific
21 9 interest, state parks and other recreational areas and
21 10 includes both the ~~right-of-way~~ ~~right-of-way~~ and conservation
21 11 area.

21 12 Sec. 47. Section 308.4, subsection 3, paragraph b, Code
21 13 2007, is amended to read as follows:

21 14 b. Accept and administer state, federal, and any other
21 15 public or private funds made available for the acquisition of
21 16 rights in land and for the planning and construction or
21 17 reconstruction of any segment of the great river road, and
21 18 state and federal funds for the maintenance of that part of
21 19 the great river road constituting the ~~right-of-way~~
21 20 ~~right-of-way~~.

21 21 Sec. 48. Section 308.9, subsection 1, unnumbered paragraph
21 22 2, Code 2007, is amended to read as follows:

21 23 The state transportation commission shall give notice and
21 24 hold a public hearing on the matter in a convenient place in
21 25 the area to be affected by the proposed improvement of the
21 26 great river road. The state transportation commission shall
21 27 consider and evaluate the testimony presented at the public
21 28 hearing and shall make a study and prepare a map showing the
21 29 location of the proposed new or reconstructed segment of the
21 30 great river road and the approximate widths of ~~right-of-way~~
21 31 ~~right-of-way~~ needed. The map shall show the existing roadway
21 32 and the property lines and record owners of lands to be
21 33 needed. The approval of the map shall be recorded by
21 34 reference in the state transportation commission's minutes,
21 35 and a notice of the action and a copy of the map showing the
22 1 lands or interest in the lands needed in any county shall be
22 2 filed in the office of the county recorder of that county.
22 3 Notice of the action and of the filing shall be published once
22 4 in a newspaper of general circulation in the county, and
22 5 within sixty days following the filing, notice of the filing
22 6 shall be served by registered mail on the owners of record on
22 7 the date of filing. Using the same procedures for approval,
22 8 notice and publications, and notice to the affected record
22 9 owners, the state transportation commission may amend the map.

22 10 Sec. 49. Section 321.52, subsection 4, paragraph c, Code
22 11 Supplement 2007, is amended to read as follows:

22 12 c. A salvage theft examination shall be made by a peace
22 13 officer who has been specially certified and recertified when
22 14 required by the Iowa law enforcement academy to do salvage
22 15 theft examinations. The Iowa law enforcement academy shall
22 16 determine standards for training and certification, conduct
22 17 training, and may approve alternative training programs which
22 18 satisfy the academy's standards for training and
22 19 certification. The owner of the salvage vehicle shall make
22 20 the vehicle available for examination at a time and location
22 21 designated by the peace officer doing the examination. The
22 22 owner may obtain a permit to drive the vehicle to and from the
22 23 examination location by submitting a repair affidavit to the
22 24 agency performing the examination stating that the vehicle is
22 25 reasonably safe for operation and listing the repairs which
22 26 have been made to the vehicle. The owner must be present for
22 27 the examination and have available for inspection the salvage
22 28 title, bills of sale for all essential parts changed, and the
22 29 repair affidavit. The examination shall be for the purposes
22 30 of determining whether the vehicle or repair components have
22 31 been stolen. The examination is not a safety inspection and a
22 32 signed salvage theft examination certificate shall not be
22 33 construed by any court of law to be a certification that the
22 34 vehicle is safe to be operated. There shall be no cause of
22 35 action against the peace officer or the agency conducting the
23 1 examination or the county treasurer for failure to discover or
23 2 note safety defects. If the vehicle passes the theft
23 3 examination, the peace officer shall indicate that the vehicle
23 4 passed examination on the salvage theft examination
23 5 certificate. The permit and salvage theft examination
23 6 certificate shall be on controlled forms prescribed and
23 7 furnished by the department. The owner shall pay a fee of
23 8 thirty dollars upon completion of the examination. The agency
23 9 performing the examinations shall retain twenty dollars of the

23 10 fee and shall pay five dollars of the fee to the department
23 11 and five dollars of the fee to the treasurer of state for
23 12 deposit in the general fund of the state. Moneys deposited to
23 13 the general fund under this paragraph are subject to the
23 14 requirements of section 8.60 and shall be used by the Iowa law
23 15 enforcement academy to provide for the special training,
23 16 certification, and recertification of officers as required by
23 17 this subsection.

~~23 18 The state department of transportation shall adopt rules in
23 19 accordance with chapter 17A to carry out this section.~~

23 20 Sec. 50. Section 321.52, Code Supplement 2007, is amended
23 21 by adding the following new subsection:

23 22 NEW SUBSECTION. 5. The state department of transportation
23 23 shall adopt rules in accordance with chapter 17A to carry out
23 24 this section.

23 25 Sec. 51. Section 321J.15, Code 2007, is amended to read as
23 26 follows:

23 27 321J.15 EVIDENCE IN ANY ACTION.

23 28 Upon the trial of a civil or criminal action or proceeding
23 29 arising out of acts alleged to have been committed by a person
23 30 while operating a motor vehicle in violation of section 321J.2
23 31 or 321J.2A, evidence of the alcohol concentration or the
23 32 presence of a controlled substance or other drugs in the
23 33 person's body ~~substances~~ at the time of the act alleged as
23 34 shown by a chemical analysis of the person's blood, breath, or
23 35 urine is admissible. If it is established at trial that an
24 1 analysis of a breath specimen was performed by a certified
24 2 operator using a device intended to determine alcohol
24 3 concentration and methods approved by the commissioner of
24 4 public safety, no further foundation is necessary for
24 5 introduction of the evidence.

24 6 Sec. 52. Section 403A.6, Code 2007, is amended to read as
24 7 follows:

24 8 403A.6 OPERATION OF HOUSING NOT FOR PROFIT.

24 9 It is hereby declared to be the policy of this state that
24 10 each municipality shall manage and operate its housing
24 11 projects in an efficient manner so as to enable it to fix the
24 12 rentals or payments for dwelling accommodations at low rates
24 13 consistent with its providing decent, safe and sanitary
24 14 dwelling accommodations for persons of low income, and that no
24 15 municipality shall construct or operate any housing project
24 16 for profit, or as a source of revenue to the municipality. To
24 17 this end the municipality shall fix the rentals or payments
24 18 for dwellings in its projects at no higher rates than it shall
24 19 find to be necessary in order to produce revenues which,
24 20 ~~(together together~~ with all other available moneys, revenues,
24 21 income and receipts in connection with or for such projects
24 22 from whatever sources derived, including federal financial
24 23 ~~assistance)~~ assistance, will be sufficient ~~(1) to do all of~~
24 24 the following:

24 25 1. ~~to~~ To pay, as the same become due, the principal and
24 26 interest on the bonds issued pursuant to this chapter ~~-(2)-~~.

24 27 2. ~~to~~ To create and maintain such reserves as may be
24 28 required to assure the payment of principal and interest as it
24 29 becomes due on such bonds ~~-(3)-~~.

24 30 3. ~~to~~ To meet the cost of, and to provide for, maintaining
24 31 and operating the projects ~~(including, including necessary~~
24 32 reserves therefor and the cost of any insurance, and of
24 33 administrative ~~expenses)~~ ~~and (4) expenses.~~

24 34 4. ~~to~~ To make such payments in lieu of taxes and, after
24 35 payment in full of all obligations for which federal annual
25 1 contributions are pledged, to make such repayments of federal
25 2 and local contributions as it determines are consistent with
25 3 the maintenance of the low-rent character of projects.
25 4 Rentals or payments for dwellings shall be established and the
25 5 projects administered, insofar as possible, so as to assure
25 6 that any federal financial assistance required shall be
25 7 strictly limited to amounts and periods necessary to maintain
25 8 the low-rent character of the projects.

25 9 Sec. 53. Section 403A.7, Code 2007, is amended to read as
25 10 follows:

25 11 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

25 12 1. A municipality shall do the following:

25 13 ~~1-~~ a. Rent or lease the dwelling accommodations in a
25 14 housing project only to persons or families of low income and
25 15 at rentals within their financial reach.

25 16 ~~2-~~ b. Rent or lease to a tenant such dwelling
25 17 accommodations consisting of the number of rooms which it
25 18 deems necessary to provide safe and sanitary accommodations to
25 19 the proposed occupants without overcrowding.

25 20 ~~3-~~ c. (1) Fix income limits for occupancy and rents

25 21 after taking into consideration the following:

25 22 ~~a-~~ (a) The family size, composition, age, physical
25 23 disabilities, and other factors which might affect the
25 24 rent-paying ability of the person or family.

25 25 ~~b-~~ (b) The economic factors which affect the financial
25 26 stability and solvency of the project.

25 27 (2) However, such determination of eligibility shall be
25 28 within the limits of the income limits hereinbefore set out.

25 29 2. Nothing contained in this section or ~~the preceding~~
25 30 section 403A.6 shall be construed as limiting the power of a
25 31 municipality with respect to a housing project, to vest in an
25 32 obligee the right, in the event of a default by the
25 33 municipality, to take possession or cause the appointment of a
25 34 receiver for the housing project, free from all the
25 35 restrictions imposed by this section or ~~the preceding~~ section
26 1 403A.6.

26 2 Sec. 54. Section 423.4, subsection 8, paragraph d, Code
26 3 Supplement 2007, is amended to read as follows:

26 4 d. In determining the amount to be refunded, if the dates
26 5 of the utility billing or meter reading cycle for the sale or
26 6 furnishing of metered gas and electricity ~~is~~ are on or after
26 7 the first day of the first month through the last day of the
26 8 last month of the refund year, the full amount of tax charged
26 9 in the billings shall be refunded. In determining the amount
26 10 to be refunded, if the dates of the sale or furnishing of fuel
26 11 for purposes of commercial energy and the delivery of the fuel
26 12 ~~is~~ are on or after the first day of the first month through
26 13 the last day of the last month of the refund year, the full
26 14 amount of tax charged in the billings shall be refunded.

26 15 Sec. 55. Section 423B.6, subsection 2, paragraph b, Code
26 16 2007, is amended to read as follows:

26 17 b. The ordinance of a county board of supervisors imposing
26 18 a local sales and services tax shall adopt by reference the
26 19 applicable provisions of the appropriate sections of chapter
26 20 423. All powers and requirements of the director to
26 21 administer the state sales tax law and use tax law are
26 22 applicable to the administration of a local sales and services
26 23 tax law and the local excise tax, including but not limited to
26 24 the provisions of section 422.25, subsection 4, sections
26 25 422.30, 422.67, and 422.68, section 422.69, subsection 1,
26 26 sections 422.70 ~~to~~ through 422.75, section 423.14, subsection
26 27 1 and subsection 2, paragraphs "b" through "e", and sections
26 28 423.15, 423.23, 423.24, 423.25, 423.31 ~~to~~ through 423.35,
26 29 423.37 ~~to~~ through 423.42, 423.46, and 423.47. Local officials
26 30 shall confer with the director of revenue for assistance in
26 31 drafting the ordinance imposing a local sales and services
26 32 tax. A certified copy of the ordinance shall be filed with
26 33 the director as soon as possible after passage.

26 34 Sec. 56. Section 452A.53, Code 2007, is amended to read as
26 35 follows:

27 1 452A.53 PERMIT OR LICENSE.

27 2 1. The advance arrangements referred to in ~~the preceding~~
27 3 section 452A.52 shall include the procuring of a permanent
27 4 international fuel tax agreement permit or license or ~~single~~
27 5 ~~trip single-trip~~ interstate permit.

27 6 2. Persons choosing not to make advance arrangements with
27 7 the state department of transportation by procuring a permit
27 8 or license are not relieved of their responsibility to
27 9 purchase motor fuel and special fuel commensurate with their
27 10 use of the state's highway system. When there is reasonable
27 11 cause to believe that there is evasion of the fuel tax on
27 12 commercial motor vehicles, the state department of
27 13 transportation may audit persons not holding a permit or
27 14 license. Audits shall be conducted pursuant to section
27 15 452A.55 and in accordance with international fuel tax
27 16 agreement guidelines. The state department of transportation
27 17 shall collect all taxes due and refund any overpayment.

27 18 3. A permanent international fuel tax agreement permit or
27 19 license may be obtained upon application to the state
27 20 department of transportation. A fee of ten dollars shall be
27 21 charged for each permit or license issued. The holder of a
27 22 permanent permit or license shall have the privilege of
27 23 bringing into this state in the fuel supply tanks of
27 24 commercial motor vehicles any amount of motor fuel or special
27 25 fuel to be used in the operation of the vehicles and for that
27 26 privilege shall pay Iowa motor fuel or special fuel taxes as
27 27 provided in section 452A.54.

27 28 4. A ~~single-trip single-trip~~ interstate permit may be
27 29 obtained from the state department of transportation. A fee
27 30 of twenty dollars shall be charged for each individual ~~single~~
27 31 ~~trip single-trip~~ interstate permit issued. A ~~single-trip~~

27 32 ~~single=trip~~ interstate permit is subject to the following
27 33 provisions and limitations:
27 34 1- ~~a.~~ The permit shall be issued and be valid for
27 35 seventy-two consecutive hours, except in emergencies, or until
28 1 the time of leaving the state, whichever first occurs.
28 2 2- ~~b.~~ The permit shall cover only one commercial motor
28 3 vehicle and is not transferable.
28 4 3- ~~c.~~ ~~Single-trip~~ Single=trip interstate fuel permits may
28 5 be made available from sources other than indicated in this
28 6 section at the discretion of the state department of
28 7 transportation.
28 8 5. Each vehicle operated into or through Iowa in
28 9 interstate operations using motor fuel or special fuel
28 10 acquired in any other state shall carry in or on the vehicle a
28 11 duplicate or evidence of the permit or license required in
28 12 this section. A fee not to exceed fifty cents shall be
28 13 charged for each duplicate or other evidence of a permit or
28 14 license issued.
28 15 Sec. 57. Section 453A.31, subsection 2, paragraph c, Code
28 16 Supplement 2007, is amended to read as follows:
28 17 c. A one thousand dollar penalty for a third or subsequent
28 18 violation within three years of the first violation.
28 19 Sec. 58. Section 453A.50, subsection 3, paragraph a,
28 20 subparagraph (3), Code Supplement 2007, is amended to read as
28 21 follows:
28 22 (3) A one thousand dollar penalty for a third or
28 23 subsequent violation within three years of the first
28 24 violation.
28 25 Sec. 59. Section 455B.109, subsection 1, Code 2007, is
28 26 amended to read as follows:
28 27 1. The commission shall establish, by rule, a schedule or
28 28 range of civil penalties which may be administratively
28 29 assessed. The schedule shall provide procedures and criteria
28 30 for the administrative assessment of penalties of not more
28 31 than ten thousand dollars for violations of this chapter or
28 32 rules, permits or orders adopted or issued under this chapter.
28 33 In adopting a schedule or range of penalties and in proposing
28 34 or assessing a penalty, the commission and director shall
28 35 consider among other relevant factors the following:
29 1 a. The costs saved or likely to be saved by noncompliance
29 2 by the violator.
29 3 b. The gravity of the violation.
29 4 c. The degree of culpability of the violator.
29 5 d. The maximum penalty authorized for that violation under
29 6 this chapter.
29 7 1A. Penalties may be administratively assessed only after
29 8 an opportunity for a contested case hearing which may be
29 9 combined with a hearing on the merits of the alleged
29 10 violation. Violations not fitting within the schedule, or
29 11 violations which the commission determines should be referred
29 12 to the attorney general for legal action shall not be governed
29 13 by the schedule established under ~~this~~ subsection 1.
29 14 Sec. 60. Section 455B.455, Code 2007, is amended to read
29 15 as follows:
29 16 455B.455 SURCHARGE IMPOSED.
29 17 A land burial surcharge tax of two percent is imposed on
29 18 the fee for land burial of a hazardous waste. The owner of
29 19 the land burial facility shall remit the tax collected to the
29 20 director of revenue after consultation with the director
29 21 according to rules that the director shall adopt. The
29 22 director shall forward a copy of the site license to the
29 23 director of revenue which shall be the appropriate license for
29 24 the collection of the land burial surcharge tax and shall be
29 25 subject to suspension or revocation if the site license holder
29 26 fails to collect or remit the tax collected under this
29 27 section. The provisions of section 422.25, subsection 4,
29 28 sections 422.30, 422.67, and 422.68, section 422.69,
29 29 subsection 1, sections 422.70 ~~to through~~ 422.75, section
29 30 423.14, subsection 1, and sections 423.23, 423.24, 423.25,
29 31 423.31, 423.33, 423.35, 423.37 ~~to through~~ 423.42, and 423.47,
29 32 consistent with the provisions of this part 6 of division IV,
29 33 shall apply with respect to the taxes authorized under this
29 34 part, in the same manner and with the same effect as if the
29 35 land burial surcharge tax were sales taxes within the meaning
30 1 of those statutes. Notwithstanding the provisions of this
30 2 section, the director shall provide for only quarterly filing
30 3 of returns as prescribed in section 423.31. Taxes collected
30 4 by the director of revenue under this section shall be
30 5 deposited in the general fund of the state.
30 6 Sec. 61. Section 459.102, subsection 18, Code 2007, is
30 7 amended to read as follows:

30 8 18. "Covered" means organic or inorganic material placed
30 9 upon an animal feeding operation structure used to store
30 10 manure as provided by rules adopted by the department after
30 11 receiving recommendations which shall be submitted to the
30 12 department by the college of agriculture and life sciences at
30 13 Iowa state university of science and technology.

30 14 Sec. 62. Section 469.9, subsection 2, Code Supplement
30 15 2007, is amended to read as follows:

30 16 2. The fund shall be used to further the goals of
30 17 increasing the research, development, production, and use of
30 18 biofuels and other sources of renewable energy, ~~improve~~
30 19 improving energy efficiency, and ~~reduce~~ reducing greenhouse
30 20 gas emissions, and shall encourage, support, and provide for
30 21 research, development, commercialization, and the
30 22 implementation of energy technologies and practices. The
30 23 technologies and practices should reduce this state's
30 24 dependence on foreign sources of energy and fossil fuels. The
30 25 research, development, commercialization, implementation, and
30 26 distribution of such technologies and practices are intended
30 27 to sustain the environment and develop business in this state
30 28 as Iowans market these technologies and practices to the
30 29 world.

30 30 Sec. 63. Section 469.9, subsection 4, paragraph b,
30 31 subparagraph (2), Code Supplement 2007, is amended to read as
30 32 follows:

30 33 (2) Utilization of crops and products grown or produced in
30 34 this state that ~~maximize~~ maximizes the value of crops used as
30 35 feedstock in biomanufacturing products and as coproducts.

31 1 Sec. 64. Section 469.10, subsections 3 and 4, Code
31 2 Supplement 2007, are amended to read as follows:

31 3 3. Of the moneys appropriated to the office and deposited
31 4 in the fund, there shall be allocated on an annual basis two
31 5 million five hundred thousand dollars to the department of
31 6 economic development for deposit into the workforce training
31 7 and economic development funds of the community colleges
31 8 created pursuant to section 260C.18A. Of the funds so
31 9 deposited into the workforce training and economic development
31 10 funds of the community colleges, two million five hundred
31 11 thousand dollars shall be used each year in the development
31 12 and expansion of energy industry areas and for the
31 13 department's north American ~~industrial~~ industry classification
31 14 system for targeted industry areas established pursuant to
31 15 section 260C.18A.

31 16 4. Notwithstanding section 8.33, amounts appropriated
31 17 pursuant to this section shall not revert but shall remain
31 18 available for the purposes designated for the following fiscal
31 19 year. Notwithstanding section 12C.7, subsection 2, interest
31 20 or earnings on moneys in the ~~funds~~ Iowa power fund shall be
31 21 credited to the fund.

31 22 Sec. 65. Section 477.5, Code 2007, is amended to read as
31 23 follows:

31 24 477.5 EQUAL FACILITIES == DELAY.

31 25 If the proprietor of any telegraph or telephone line within
31 26 the state, or the person having the control and management
31 27 thereof, refuses to furnish equal facilities to the public and
31 28 to all connecting lines for the transmission of communications
31 29 in accordance with the nature of the business which it
31 30 undertakes to carry on, or to transmit the same with fidelity
31 31 and without unreasonable delay, the law in relation to limited
31 32 partnerships, corporations, and to the taking of private
31 33 property for works of internal improvement, shall ~~not~~ no
31 34 longer apply to them, and property taken for the use thereof
31 35 without the consent of the owner may be recovered by the
32 1 owner.

32 2 Sec. 66. Section 479.29, subsection 2, Code Supplement
32 3 2007, is amended to read as follows:

32 4 2. The county board of supervisors shall cause an on-site
32 5 inspection for compliance with the standards adopted under
32 6 this section to be performed at any pipeline construction
32 7 project in the county. A ~~licensed~~ professional engineer
32 8 familiar with the standards adopted under this section and
32 9 licensed under chapter 542B shall be responsible for the
32 10 inspection. A county board of supervisors may contract for
32 11 the services of a licensed professional engineer for the
32 12 purposes of the inspection. The reasonable costs of the
32 13 inspection shall be borne by the pipeline company.

32 14 Sec. 67. Section 483A.24, subsections 3 and 4, Code
32 15 Supplement 2007, are amended to read as follows:

32 16 3. The director shall provide up to seventy-five
32 17 nonresident deer hunting licenses for allocation as requested
32 18 by a majority of a committee consisting of the majority leader

32 19 of the senate, speaker of the house of representatives, and
32 20 director of the department of economic development, or their
32 21 designees. The licenses provided pursuant to ~~the~~ this
32 22 subsection shall be in addition to the number of nonresident
32 23 licenses authorized pursuant to section 483A.8. The purpose
32 24 of the special nonresident licenses is to allow state
32 25 officials and local development groups to promote the state
32 26 and its natural resources to nonresident guests and
32 27 dignitaries. Photographs, videotapes, or any other form of
32 28 media resulting from the hunting visitation shall not be used
32 29 for political campaign purposes. The nonresident licenses
32 30 shall be issued without application upon payment of the
32 31 nonresident deer hunting license fee and the wildlife habitat
32 32 fee. The licenses are valid in all zones open to deer
32 33 hunting. The hunter safety and ethics education certificate
32 34 requirement pursuant to section 483A.27 is waived for a
32 35 nonresident issued a license pursuant to this subsection.

33 1 4. The director shall provide up to twenty-five
33 2 nonresident wild turkey hunting licenses for allocation as
33 3 requested by a majority of a committee consisting of the
33 4 majority leader of the senate, speaker of the house of
33 5 representatives, and director of the department of economic
33 6 development, or their designees. The licenses provided
33 7 pursuant to ~~the~~ this subsection shall be in addition to the
33 8 number of nonresident licenses authorized pursuant to section
33 9 483A.7. The purpose of the special nonresident licenses is to
33 10 allow state officials and local development groups to promote
33 11 the state and its natural resources to nonresident guests and
33 12 dignitaries. Photographs, videotapes, or any other form of
33 13 media resulting from the hunting visitation shall not be used
33 14 for political campaign purposes. The nonresident licenses
33 15 shall be issued without application upon payment of the
33 16 nonresident wild turkey hunting license fee and the wildlife
33 17 habitat fee. The licenses are valid in all zones open to wild
33 18 turkey hunting. The hunter safety and ethics education
33 19 certificate requirement pursuant to section 483A.27 is waived
33 20 for a nonresident issued a license pursuant to this
33 21 subsection.

33 22 Sec. 68. Section 512B.9, subsection 2, Code 2007, is
33 23 amended to read as follows:

33 24 2. a. A person may be indemnified and reimbursed by a
33 25 society for expenses reasonably incurred by, and liabilities
33 26 imposed upon, the person in connection with or arising out of
33 27 a proceeding, whether civil, criminal, administrative, or
33 28 investigative, or a threat of action in which the person is or
33 29 may be involved by reason of the person being a director,
33 30 officer, employee, or agent of the society or of any other
33 31 legal entity or position which the person served in any
33 32 capacity at the request of the society.

33 33 b. However, a person shall not be so indemnified or
33 34 reimbursed for either of the following:

33 35 a- (1) In relation to any matter to which the person is
34 1 finally adjudged to be or have been guilty of breach of a duty
34 2 as a director, officer, employee, or agent of the society.

34 3 b- (2) In relation to any matter which has been made the
34 4 subject of a compromise settlement.

34 5 c. However, if the person acted in good faith for a
34 6 purpose the person reasonably believed to be in or not opposed
34 7 to the best interests of the society and, in addition, in a
34 8 criminal proceeding, had no reasonable cause to believe that
34 9 the conduct was unlawful, ~~paragraphs "a" and paragraph "b",~~

~~subparagraphs (1) and (2),~~ do not apply. The determination
34 11 whether the conduct of the person met the standard required in
34 12 order to justify indemnification and reimbursement in relation
34 13 to any matter described in paragraph ~~"a" or "b",~~ subparagraph
34 14 (1) or (2), may only be made by the supreme governing body by

34 15 a majority vote of a quorum consisting of persons who were not
34 16 parties to the proceeding or by a court of competent
34 17 jurisdiction. The termination of a proceeding by judgment,
34 18 order, settlement, conviction, or upon a plea of no contest,
34 19 as to a person, does not in itself create a conclusive
34 20 presumption that the person met or did not meet the standard
34 21 of conduct required in order to justify indemnification and
34 22 reimbursement. The right of indemnification and reimbursement
34 23 is not exclusive of other rights to which a person may be
34 24 entitled as a matter of law and shall inure to the benefit of
34 25 the person's heirs, executors, and administrators.

34 26 Sec. 69. Section 554.2315, Code 2007, is amended to read
34 27 as follows:

34 28 554.2315 IMPLIED WARRANTY == FITNESS FOR PARTICULAR
34 29 PURPOSE.

34 30 Where the seller at the time of contracting has reason to
34 31 know any particular purpose for which the goods are required
34 32 and that the buyer is relying on the seller's skill or
34 33 judgment to select or furnish suitable goods, there is unless
34 34 excluded or modified under ~~the next~~ section 554.2316 an
34 35 implied warranty that the goods shall be fit for such purpose.
35 1 Sec. 70. Section 554.2502, subsection 1, Code 2007, is
35 2 amended to read as follows:
35 3 1. Subject to subsections 2 and 3 and even though the
35 4 goods have not been shipped a buyer who has paid a part or all
35 5 of the price of goods in which the buyer has a special
35 6 property under the provisions of ~~the immediately preceding~~
35 7 section 554.2501 may on making and keeping good a tender of
35 8 any unpaid portion of their price recover them from the seller
35 9 if:
35 10 a. in the case of goods bought for personal, family, or
35 11 household purposes, the seller repudiates or fails to deliver
35 12 as required by the contract; or
35 13 b. in all cases the seller becomes insolvent within ten
35 14 days after receipt of the first installment on their price.
35 15 Sec. 71. Section 554.2503, subsection 2, Code Supplement
35 16 2007, is amended to read as follows:
35 17 2. Where the case is within ~~the next~~ section 554.2504
35 18 respecting shipment tender requires that the seller comply
35 19 with its provisions.
35 20 Sec. 72. Section 554.2604, Code 2007, is amended to read
35 21 as follows:
35 22 554.2604 BUYER'S OPTIONS AS TO SALVAGE OF RIGHTFULLY
35 23 REJECTED GOODS.
35 24 Subject to the provisions of ~~the immediately preceding~~
35 25 section 554.2603 on perishables if the seller gives no
35 26 instructions within a reasonable time after notification of
35 27 rejection the buyer may store the rejected goods for the
35 28 seller's account or reship them to the seller or resell them
35 29 for the seller's account with reimbursement as provided in ~~the~~
~~35 30 preceding~~ section 554.2603. Such action is not acceptance or
35 31 conversion.
35 32 Sec. 73. Section 554.2615, unnumbered paragraph 1, Code
35 33 2007, is amended to read as follows:
35 34 Except so far as a seller may have assumed a greater
35 35 obligation and subject to ~~the preceding~~ section 554.2614 on
36 1 substituted performance:
36 2 Sec. 74. Section 554.2616, subsections 1 and 3, Code 2007,
36 3 is amended to read as follows:
36 4 1. Where the buyer receives notification of a material or
36 5 indefinite delay or an allocation justified under ~~the~~
~~36 6 preceding~~ section 554.2615 the buyer may by written
36 7 notification to the seller as to any delivery concerned, and
36 8 where the prospective deficiency substantially impairs the
36 9 value of the whole contract under the provisions of this
36 10 Article relating to breach of installment contracts (section
36 11 554.2612), then also as to the whole,
36 12 a. terminate and thereby discharge any unexecuted portion
36 13 of the contract; or
36 14 b. modify the contract by agreeing to take the buyer's
36 15 available quota in substitution.
36 16 3. The provisions of this section may not be negated by
36 17 agreement except insofar as the seller has assumed a greater
36 18 obligation under ~~the preceding~~ section 554.2615.
36 19 Sec. 75. Section 554.2703, Code 2007, is amended to read
36 20 as follows:
36 21 554.2703 SELLER'S REMEDIES IN GENERAL.
36 22 Where the buyer wrongfully rejects or revokes acceptance of
36 23 goods or fails to make a payment due on or before delivery or
36 24 repudiates with respect to a part or the whole, then with
36 25 respect to any goods directly affected and, if the breach is
36 26 of the whole contract (section 554.2612), then also with
36 27 respect to the whole undelivered balance, the aggrieved seller
36 28 may:
36 29 ~~a. 1.~~ withhold delivery of such goods;
36 30 ~~b. 2.~~ stop delivery by any bailee as hereafter provided
36 31 (section 554.2705);
36 32 ~~c. 3.~~ proceed under ~~the next~~ section 554.2704 respecting
36 33 goods still unidentified to the contract;
36 34 ~~d. 4.~~ resell and recover damages as hereafter provided
36 35 (section 554.2706);
37 1 ~~e. 5.~~ recover damages for nonacceptance (section
37 2 554.2708) or in a proper case the price (section 554.2709);
37 3 ~~f. 6.~~ cancel.
37 4 Sec. 76. Section 554.2704, subsection 1, Code 2007, is
37 5 amended to read as follows:

37 6 1. An aggrieved seller under ~~the preceding~~ section
37 7 554.2703 may:

37 8 a. identify to the contract conforming goods not already
37 9 identified if at the time the seller learned of the breach
37 10 they are in the seller's possession or control;

37 11 b. treat as the subject of resale goods which have
37 12 demonstrably been intended for the particular contract even
37 13 though those goods are unfinished.

37 14 Sec. 77. Section 554.2709, subsections 1 and 3, Code 2007,
37 15 is amended to read as follows:

37 16 1. When the buyer fails to pay the price as it becomes due
37 17 the seller may recover, together with any incidental damages
37 18 under the next section, the price:

37 19 a. of goods accepted or of conforming goods lost or
37 20 damaged within a commercially reasonable time after risk of
37 21 their loss has passed to the buyer; and

37 22 b. of goods identified to the contract if the seller is
37 23 unable after reasonable effort to resell them at a reasonable
37 24 price or the circumstances reasonably indicate that such
37 25 effort will be unavailing.

37 26 3. After the buyer has wrongfully rejected or revoked
37 27 acceptance of the goods or has failed to make a payment due or
37 28 has repudiated (section 554.2610), a seller who is held not
37 29 entitled to the price under this section shall nevertheless be
37 30 awarded damages for nonacceptance under ~~the preceding~~ section
37 31 554.2708.

37 32 Sec. 78. Section 554.2711, subsections 1 and 2, Code 2007,
37 33 are amended to read as follows:

37 34 1. Where the seller fails to make delivery or repudiates
37 35 or the buyer rightfully rejects or justifiably revokes
38 1 acceptance then with respect to any goods involved, and with
38 2 respect to the whole if the breach goes to the whole contract
38 3 (section 554.2612), the buyer may cancel and whether or not
38 4 the buyer has done so may in addition to recovering so much of
38 5 the price as has been paid:

38 6 a. "cover" and have damages under ~~the next~~ section
38 7 554.2712 as to all the goods affected whether or not they have
38 8 been identified to the contract; or

38 9 b. recover damages for nondelivery as provided in this
38 10 Article (section 554.2713).

38 11 2. Where the seller fails to deliver or repudiates the
38 12 buyer may also:

38 13 a. if the goods have been identified recover them as
38 14 provided in this Article (section 554.2502); or

38 15 b. in a proper case obtain specific performance or replevy
38 16 the goods as provided in this Article (section 554.2716).

38 17 Sec. 79. Section 554.2712, subsection 1, Code 2007, is
38 18 amended to read as follows:

38 19 1. After a breach within ~~the preceding~~ section 554.2711
38 20 the buyer may "cover" by making in good faith and without
38 21 unreasonable delay any reasonable purchase of or contract to
38 22 purchase goods in substitution for those due from the seller.

38 23 Sec. 80. Section 554.2714, subsection 3, Code 2007, is
38 24 amended to read as follows:

38 25 3. In a proper case any incidental and consequential
38 26 damages under ~~the next~~ section 554.2715 may also be recovered.

38 27 Sec. 81. Section 554.2719, subsection 1, Code 2007, is
38 28 amended to read as follows:

38 29 1. Subject to the provisions of subsections 2 and 3 of
38 30 this section and of ~~the preceding~~ section 554.2718 on
38 31 liquidation and limitation of damages,

38 32 a. the agreement may provide for remedies in addition to
38 33 or in substitution for those provided in this Article and may
38 34 limit or alter the measure of damages recoverable under this
38 35 Article, as by limiting the buyer's remedies to return of the
39 1 goods and repayment of the price or to repair and replacement
39 2 of nonconforming goods or parts; and

39 3 b. resort to a remedy as provided is optional unless the
39 4 remedy is expressly agreed to be exclusive, in which case it
39 5 is the sole remedy.

39 6 Sec. 82. Section 554.7601A, subsection 2, Code Supplement
39 7 2007, is amended to read as follows:

39 8 2. If a warehouse receipt has been lost, ~~stolen~~, or
39 9 destroyed, the depositor may either remove the goods from the
39 10 warehouse facility or sell the goods to the warehouse after
39 11 executing a lost warehouse receipt release on a form
39 12 prescribed by the department of agriculture and land
39 13 stewardship. The form shall include an affidavit stating that
39 14 the warehouse receipt has been lost or destroyed, and the
39 15 depositor's undertaking to indemnify the warehouse for any
39 16 loss incurred as a result of the loss or destruction of the

39 17 warehouse receipt. The form shall be filed with the
 39 18 department of agriculture and land stewardship.
 39 19 Sec. 83. Section 554.13103, subsection 3, Code Supplement
 39 20 2007, is amended to read as follows:
 39 21 3. The following definitions in other Articles apply to
 39 22 this Article:
 39 23 "Account" Section 554.9102, subsection 1,
 39 24 paragraph "b"
 39 25 "Between merchants" Section 554.2104, subsection 3
 39 26 "Buyer" Section 554.2103, subsection 1,
 39 27 paragraph "a"
 39 28 "Chattel paper" Section 554.9102, subsection 1,
 39 29 paragraph "k"
 39 30 "Consumer goods" Section 554.9102, subsection 1,
 39 31 paragraph "w"
 39 32 "Document" Section 554.9102, subsection 1,
 39 33 paragraph "ad"
 39 34 "Entrusting" Section 554.2403, subsection 3
 39 35 "General intangible" Section 554.9102, subsection 1,
 40 1 paragraph "ap"
 40 2 "Good faith" ~~Section 554.2103, subsection 1,~~
 40 3 ~~paragraph "b" 554.1201~~
 40 4 "Instrument" Section 554.9102, subsection 1,
 40 5 paragraph "au"
 40 6 "Merchant" Section 554.2104, subsection 1
 40 7 "Mortgage" Section 554.9102, subsection 1,
 40 8 paragraph "bc"
 40 9 "Pursuant to commitment" Section 554.9102, subsection 1,
 40 10 paragraph "bp"
 40 11 "Receipt" Section 554.2103, subsection 1,
 40 12 paragraph "c"
 40 13 "Sale" Section 554.2106, subsection 1
 40 14 "Sale on approval" Section 554.2326
 40 15 "Sale or return" Section 554.2326
 40 16 "Seller" Section 554.2103, subsection 1,
 40 17 paragraph "d"
 40 18 Sec. 84. Section 554.13309, subsection 7, Code 2007, is
 40 19 amended to read as follows:
 40 20 7. In cases not within ~~the preceding~~ subsections 1 through
 40 21 6, priority between the interest of a lessor of fixtures,
 40 22 including the lessor's residual interest, and the conflicting
 40 23 interest of an encumbrancer or owner of the real estate who is
 40 24 not the lessee is determined by the priority rules governing
 40 25 conflicting interests in real estate.
 40 26 Sec. 85. Section 614.1, subsection 5, Code Supplement
 40 27 2007, is amended to read as follows:
 40 28 5. WRITTEN CONTRACTS == JUDGMENTS OF COURTS NOT OF RECORD
 40 29 == RECOVERY OF REAL PROPERTY. Those founded on written
 40 30 contracts, or on judgments of any courts except those provided
 40 31 for in ~~the next~~ subsection 6, and those brought for the
 40 32 recovery of real property, within ten years.
 40 33 Sec. 86. Section 633.113, Code 2007, is amended to read as
 40 34 follows:
 40 35 633.113 COMMITMENT.
 41 1 If, upon being served with an order of the court requiring
 41 2 appearance for interrogation, as provided in ~~the preceding~~
 41 3 ~~sections hereof~~ section 633.112, any person fails to appear in
 41 4 accordance therewith, or if, having appeared, the person
 41 5 refuses to answer any question which the court thinks proper
 41 6 to be put to the person in the course of such examination, or
 41 7 if the person fails to comply with the order of the court
 41 8 requiring the delivery of the property to the fiduciary, the
 41 9 person may be committed to the jail of the county until the
 41 10 person does.
 41 11 Sec. 87. Section 633.305, unnumbered paragraph 1, Code
 41 12 2007, is amended to read as follows:
 41 13 On admission of a will to probate without administration of
 41 14 the estate, the proponent shall cause to be published, in the
 41 15 manner prescribed in ~~the preceding~~ section 633.304, a notice
 41 16 of the admission of the will to probate. As soon as
 41 17 practicable following the admission of the will to probate,
 41 18 the proponent shall give notice of the admission of the will
 41 19 to probate by ordinary mail addressed to the surviving spouse,
 41 20 each heir of the decedent, and each devisee under the will
 41 21 admitted to probate whose identities are reasonably
 41 22 ascertainable, at such persons' last known addresses. The
 41 23 notice of the admission of the will to probate shall include a
 41 24 notice that any action to set aside the will must be brought
 41 25 within the later to occur of four months from the date of the
 41 26 second publication of the notice or one month from the date of
 41 27 mailing of this notice, or thereafter be barred.

41 28 Sec. 88. Section 633.426, Code 2007, is amended to read as
41 29 follows:

41 30 633.426 ORDER OF PAYMENT OF DEBTS AND CHARGES.

41 31 Payment of debts and charges of the estate shall be made in
41 32 the order provided in ~~the preceding~~ section 633.425, without
41 33 preference of any claim over another of the same class. If
41 34 the assets of the estate are insufficient to pay in full all
41 35 of the claims of a class, then such claims shall be paid on a
42 1 pro rata basis, without preference between claims then due and
42 2 those of the same class not due.

42 3 Sec. 89. Section 633.700, unnumbered paragraph 1, Code
42 4 Supplement 2007, is amended to read as follows:

42 5 Unless specifically relieved from so doing, by the
42 6 instrument creating the trust, or by order of the court, the
42 7 trustee shall make a written report, under oath, to the court,
42 8 once each year, within ninety days of the close of the
42 9 reporting period, and more often, if required by the court.
42 10 Such report shall state:

42 11 Sec. 90. Section 718A.1, unnumbered paragraph 1, Code
42 12 Supplement 2007, is amended to read as follows:

42 13 As used in this ~~section~~ chapter:

42 14 Sec. 91. Section 729.1, Code 2007, is amended to read as
42 15 follows:

42 16 729.1 RELIGIOUS TEST.

42 17 Any violation of ~~section 4,~~ Article I, section 4, of the
42 18 Constitution of the State of Iowa is hereby declared to be a
42 19 simple misdemeanor unless a greater penalty is otherwise
42 20 provided by law.

42 21 Sec. 92. Section 820.14, Code 2007, is amended to read as
42 22 follows:

42 23 820.14 ARREST WITHOUT WARRANT.

42 24 The arrest of a person may be lawfully made also by any
42 25 peace officer or a private person, without a warrant upon
42 26 reasonable information that the accused stands charged in the
42 27 courts of a state with a crime punishable by death or
42 28 imprisonment for a term exceeding one year, but when so
42 29 arrested the accused must be taken before a judge or
42 30 magistrate with all practicable speed and complaint must be
42 31 made against the accused under oath setting forth the ground
42 32 for the arrest as in ~~the preceding~~ section 820.13; and
42 33 thereafter the accused's answer shall be heard as if the
42 34 accused had been arrested on a warrant.

42 35 Sec. 93. Section 820.15, Code 2007, is amended to read as
43 1 follows:

43 2 820.15 HOLDING TO AWAIT REQUISITION.

43 3 If from the examination before the judge or magistrate it
43 4 appears that the person held is the person charged with having
43 5 committed the crime alleged and, except in cases arising under
43 6 section 820.6, that the person has fled from justice, the
43 7 judge or magistrate must, by a warrant reciting the
43 8 accusation, commit the person to the county jail for such a
43 9 time not exceeding thirty days and specified in the warrant,
43 10 as will enable the arrest of the accused to be made under a
43 11 warrant of the governor on a requisition of the executive
43 12 authority of the state having jurisdiction of the offense,
43 13 unless the accused give bail as provided in ~~the next~~ section
43 14 820.16, or until the accused shall be legally discharged.

43 15 Sec. 94. Section 915.20A, subsection 1, paragraph d, Code
43 16 2007, is amended to read as follows:

43 17 d. "Victim counselor" means a person who is engaged in a
43 18 crime victim center, is certified as a counselor by the crime
43 19 victim center, and is under the control of a direct services
43 20 supervisor of a crime victim center, whose primary purpose is
43 21 the rendering of advice, counseling, and assistance to the
43 22 victims of crime. To qualify as a "victim counselor" under
43 23 this section, the person must also have completed at least
43 24 twenty hours of training provided by the center in which the
43 25 person is engaged, by the Iowa organization of victim
43 26 assistance, by the Iowa coalition against sexual ~~abuse~~
43 27 assault, or by the Iowa coalition against domestic violence,
43 28 which shall include but not be limited to, the dynamics of
43 29 victimization, substantive laws relating to violent crime,
43 30 sexual assault, and domestic violence, crisis intervention
43 31 techniques, communication skills, working with diverse
43 32 populations, an overview of the state criminal justice system,
43 33 information regarding pertinent hospital procedures, and
43 34 information regarding state and community resources for
43 35 victims of crime.

44 1 Sec. 95. 2007 Iowa Acts, chapter 182, section 3,
44 2 subsection 1, is amended to read as follows:

44 3 1. The Iowa propane education and research council is

44 4 established. Members of the council shall be appointed by the
44 5 governor from a list of nominees submitted by qualified
44 6 propane industry organizations within thirty days after the
44 7 effective date of this section of this Act and by December 15
44 8 of each year thereafter. The council shall consist of ten
44 9 voting members, nine of whom represent retail propane
44 10 marketers and one of whom shall be a public member. Qualified
44 11 propane industry organizations shall together nominate all
44 12 members of the council. A vacancy in the unfinished term of a
44 13 council member shall be filled for the remainder of the term
44 14 in the same manner as the original appointment was made.
44 15 Other than the public member, council members shall be
44 16 full-time employees or owners of a propane industry business
44 17 or representatives of an agricultural cooperative actively
44 18 engaged in the propane industry. An employee of a qualified
44 19 propane industry organization shall not serve as a member of
44 20 the council. An officer of the board of directors of a
44 21 qualified propane industry organization or propane industry
44 22 trade association shall not serve concurrently as a member of
44 23 the council. The fire marshal or a designee may serve as an
44 24 ex officio, nonvoting member of the council.

44 25 Sec. 96. 2007 Iowa Acts, chapter 197, section 33,
44 26 subsection 1, is amended to read as follows:

44 27 1. All new electrical installations for commercial or
44 28 industrial applications, including installations both inside
44 29 and outside of buildings, and for public use buildings and
44 30 facilities and any installation at the request of the property
44 31 owner.

44 32 Sec. 97. 2007 Iowa Acts, chapter 197, section 34,
44 33 subsection 2, is amended to read as follows:

44 34 2. State inspection shall not apply within the
44 35 jurisdiction of any political subdivision which, pursuant to
45 1 section 103.29, provides by resolution or ordinance standards
45 2 of electrical wiring and its installation that are not less
45 3 stringent than those prescribed by the board or by this
45 4 chapter and which further provides by resolution or ordinance
45 5 for the inspection of electrical installations within the
45 6 limits of such subdivision by a certified electrical
45 7 inspector. A copy of the certificate of each electrical
45 8 inspector shall be provided to the board by the political
45 9 subdivision issuing the certificate.

45 10 Sec. 98. Section 103.25, as enacted by 2007 Iowa Acts,
45 11 chapter 197, section 35, is amended to read as follows:

45 12 103.25 REQUEST FOR INSPECTION == FEES.

45 13 At or before commencement of any installation required to
45 14 be inspected by the board, the licensee or property owner
45 15 making such installation shall submit to the state fire
45 16 marshal's office a request for inspection. The board shall
45 17 prescribe the methods by which the request may be submitted,
45 18 which may include electronic submission or through a form
45 19 prescribed by the board that can be submitted either through
45 20 the mail or by a fax transmission. The board shall also
45 21 prescribe methods by which inspection fees can be paid, which
45 22 may include electronic methods of payment. If the board or
45 23 the state fire marshal's office becomes aware that a person
45 24 has failed to file a necessary request for inspection, the
45 25 board or the state fire marshal's office shall send a written
45 26 notification by certified mail that the request must by be
45 27 filed within fourteen days. Any person filing a late request
45 28 for inspection shall pay a delinquency fee in an amount to be
45 29 determined by the board. ~~Failure~~ A person who fails to file a
45 30 late request within fourteen days shall be subject to a civil
45 31 penalty to be determined by the board by rule.

45 32 Sec. 99. Section 103.26, as enacted by 2007 Iowa Acts,
45 33 chapter 197, section 36, is amended to read as follows:

45 34 103.26 CONDEMNATION == DISCONNECTION == OPPORTUNITY TO
45 35 CORRECT NONCOMPLIANCE.

46 1 If the inspector finds that any installation or portion of
46 2 an installation is not in compliance with accepted standards
46 3 of construction for health safety ~~to health~~ and property
46 4 safety, based upon minimum standards set forth in the local
46 5 electrical code or the national electrical code adopted by the
46 6 board pursuant to section 103.6, the inspector shall by
46 7 written order condemn the installation or noncomplying portion
46 8 or order service to such installation disconnected and shall
46 9 send a copy of such order to the board, the state fire
46 10 marshal, and the electrical utility supplying power involved.
46 11 If the installation or the noncomplying portion is such as to
46 12 seriously and proximately endanger human health or property,
46 13 the order of the inspector when approved by the inspector's
46 14 superior shall require immediate condemnation and

46 15 disconnection by the applicant. In all other cases, the order
46 16 of the inspector shall establish a reasonable period of time
46 17 for the installation to be brought into compliance with
46 18 accepted standards of construction for health safety to health
46 19 and property safety prior to the effective date established in
46 20 such order for condemnation or disconnection.

46 21 Sec. 100. 2007 Iowa Acts, chapter 197, section 38,
46 22 subsection 2, is amended to read as follows:

46 23 2. If the electrical inspector determines that an
46 24 electrical installation subject to inspection by the board is
46 25 not in compliance with accepted standards of construction for
46 26 health safety to health and property safety, based upon
46 27 minimum standards adopted by the board pursuant to this
46 28 chapter, the inspector shall issue a correction order. A
46 29 correction order made pursuant to this section shall be served
46 30 personally or by United States mail only upon the licensee
46 31 making the installation. The correction order shall order the
46 32 licensee to make the installation comply with the standards,
46 33 noting specifically what changes are required. The order
46 34 shall specify a date, not more than seventeen calendar days
46 35 from the date of the order, when a new inspection shall be
47 1 made. When the installation is brought into compliance to the
47 2 satisfaction of the inspector, the inspector shall file with
47 3 the electrical utility supplying power a certificate stating
47 4 that the electrical inspector has approved energization.

47 5 Sec. 101. 2007 Iowa Acts, chapter 197, section 41,
47 6 subsection 4, is amended to read as follows:

47 7 4. Except when an inspection reveals that an installation
47 8 or portion of an installation is not in compliance with
47 9 accepted standards of construction for health safety to health
47 10 and property safety, based upon minimum standards set forth in
47 11 the local electrical code or the national electrical code
47 12 adopted by the board pursuant to section 103.6, such that an
47 13 order of condemnation or disconnection is warranted pursuant
47 14 to section 103.26, an inspector shall not add to, modify, or
47 15 amend a construction plan as originally approved by the state
47 16 fire marshal in the course of conducting an inspection.

47 17 Sec. 102. 2007 Iowa Acts, chapter 197, section 42,
47 18 subsection 3, is amended to read as follows:

47 19 3. When an inspection is requested by an a property owner,
47 20 the minimum fee shall be thirty dollars plus five dollars per
47 21 branch circuit or feeder. The fee for fire and accident
47 22 inspections shall be computed at the rate of forty-seven
47 23 dollars per hour, and mileage and other expenses shall be
47 24 reimbursed as provided by the office of the state fire
47 25 marshal.

47 26 Sec. 103. 2007 Iowa Acts, chapter 197, section 43,
47 27 subsection 1, is amended to read as follows:

47 28 1. Any person aggrieved by a condemnation or disconnection
47 29 order issued by the state fire marshal's office may appeal
47 30 from the order by filing a written notice of appeal with the
47 31 board within ten days after the date the order was served upon
47 32 the property owner or within ten days after the order was
47 33 filed with the board, whichever is later.

47 34 Sec. 104. Section 104C.2, subsection 8, as enacted by 2007
47 35 Iowa Acts, chapter 198, section 2, is amended to read as
48 1 follows:

48 2 8. "Hydronic" means a heating or cooling system that
48 3 transfers heating or cooling by circulating fluid through a
48 4 closed system, including boilers, pressure vessels,
48 5 refrigerated equipment in connection with chilled water
48 6 systems, all steam piping, hot or chilled water piping
48 7 together with all control devices and accessories, installed
48 8 as part of, or in connection with, any comfort heating or
48 9 comfort cooling system or appliance using a liquid, water, or
48 10 steam as the heating or cooling media. "Hydronic" includes
48 11 all low-pressure and high-pressure systems.

48 12 Sec. 105. 2007 Iowa Acts, chapter 198, section 10,
48 13 subsection 3, is amended to read as follows:

48 14 3. The board may allow a two-year delay in implementing
48 15 the licensure requirements for contractors who employ less
48 16 fewer than ten mechanical professionals.

48 17 Sec. 106. 2007 Iowa Acts, chapter 198, section 11,
48 18 subsection 1, is amended to read as follows:

48 19 1. Apply to a person licensed as an engineer pursuant to
48 20 chapter 542B, registered as an architect pursuant to chapter
48 21 544A, or licensed as a landscape architect pursuant to chapter
48 22 544B who provides consultations or develops plans or other
48 23 work concerning plumbing, HVAC, refrigeration, or hydronic
48 24 work and who is exclusively engaged in the practice of the
48 25 person's profession.

48 26 Sec. 107. 2007 Iowa Acts, chapter 198, section 18,
48 27 subsection 2, paragraph c, subparagraph (3), is amended to
48 28 read as follows:
48 29 (3) Provide evidence to the examining board that the
48 30 person has previously been a licensed journey person in the
48 31 applicable discipline or satisfies all requirements ~~required~~
~~48 32 to be licensed for licensure~~ as a journey person in the
48 33 applicable discipline.

48 34 Sec. 108. Sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2,
48 35 322.2, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3,
49 1 453A.1, 455B.131, 476.44, 484B.4, 536.4, 536.5, 536.19,
49 2 536A.17, 543B.31, 589.8, 589.24, 624.27, 624.28, 727.2, and
49 3 730.2, Code 2007, are amended by striking the word
49 4 "copartnership" and inserting the word "partnership".

49 5 Sec. 109. Sections 322.4 and 322.7, Code Supplement 2007,
49 6 are amended by striking the word "copartnership" and inserting
49 7 the word "partnership".

49 8 Sec. 110. Sections 214A.2B, 258.16, 260C.40, and 282.7,
49 9 Code 2007, are amended by striking the words "merged area
49 10 school" and "merged area schools" inserting the words
49 11 "community college" and "community colleges".

49 12 DIVISION II
49 13 VOLUME I RENUMBERING

49 14 Sec. 111. Section 1.18, Code 2007, is amended to read as
49 15 follows:

49 16 1.18 IOWA ENGLISH LANGUAGE REAFFIRMATION.

49 17 1. The general assembly of the state of Iowa finds and
49 18 declares the following:

49 19 a. The state of Iowa is comprised of individuals from
49 20 different ethnic, cultural, and linguistic backgrounds. The
49 21 state of Iowa encourages the assimilation of Iowans into
49 22 Iowa's rich culture.

49 23 b. Throughout the history of Iowa and of the United
49 24 States, the common thread binding individuals of differing
49 25 backgrounds together has been the English language.

49 26 c. Among the powers reserved to each state is the power to
49 27 establish the English language as the official language of the
49 28 state, and otherwise to promote the English language within
49 29 the state, subject to the prohibitions enumerated in the
49 30 Constitution of the United States and in laws of the state.

49 31 2. In order to encourage every citizen of this state to
49 32 become more proficient in the English language, thereby
49 33 facilitating participation in the economic, political, and
49 34 cultural activities of this state and of the United States,
49 35 the English language is hereby declared to be the official
50 1 language of the state of Iowa.

50 2 3. Except as otherwise provided for in subsections ~~4~~ 5 and
50 3 ~~5~~ 6, the English language shall be the language of government
50 4 in Iowa. All official documents, regulations, orders,
50 5 transactions, proceedings, programs, meetings, publications,
50 6 or actions taken or issued, which are conducted or regulated
50 7 by, or on behalf of, or representing the state and all of its
50 8 political subdivisions shall be in the English language.

50 9 4. For the purposes of this section, "official action"
50 10 means any action taken by the government in Iowa or by an
50 11 authorized officer or agent of the government in Iowa that
50 12 does any of the following:

50 13 a. Binds the government.

50 14 b. Is required by law.

50 15 c. Is otherwise subject to scrutiny by either the press or
50 16 the public.

50 17 ~~4.~~ 5. This section shall not apply to:

50 18 a. The teaching of languages.

50 19 b. Requirements under the federal Individuals with
50 20 Disabilities Education Act.

50 21 c. Actions, documents, or policies necessary for trade,
50 22 tourism, or commerce.

50 23 d. Actions or documents that protect the public health and
50 24 safety.

50 25 e. Actions or documents that facilitate activities
50 26 pertaining to compiling any census of populations.

50 27 f. Actions or documents that protect the rights of victims
50 28 of crimes or criminal defendants.

50 29 g. Use of proper names, terms of art, or phrases from
50 30 languages other than English.

50 31 h. Any language usage required by or necessary to secure
50 32 the rights guaranteed by the Constitution and laws of the
50 33 United States of America or the Constitution of the State of
50 34 Iowa.

50 35 i. Any oral or written communications, examinations, or
51 1 publications produced or utilized by a driver's license

51 2 station, provided public safety is not jeopardized.
51 3 ~~5-~~ 6. Nothing in this section shall be construed to do
51 4 any of the following:
51 5 a. Prohibit an individual member of the general assembly
51 6 or officer of state government, while performing official
51 7 business, from communicating through any medium with another
51 8 person in a language other than English, if that member or
51 9 officer deems it necessary or desirable to do so.
51 10 b. Limit the preservation or use of Native American
51 11 languages, as defined in the federal Native American Languages
51 12 Act of 1992.
51 13 c. Disparage any language other than English or discourage
51 14 any person from learning or using a language other than
51 15 English.
51 16 Sec. 112. Section 2.10, subsection 4, Code 2007, is
51 17 amended to read as follows:
51 18 4. a. The director of the department of administrative
51 19 services shall pay the travel and expenses of the members of
51 20 the general assembly commencing with the first pay period
51 21 after the names of such persons are officially certified. The
51 22 salaries of the members of the general assembly shall be paid
51 23 pursuant to any of the following alternative methods:
51 24 ~~a-~~ (1) During each month of the year at the same time
51 25 state employees are paid.
51 26 ~~b-~~ (2) During each pay period during the first six months
51 27 of each calendar year.
51 28 ~~c-~~ (3) During the first six months of each calendar year
51 29 by allocating two-thirds of the annual salary to the pay
51 30 periods during those six months and one-third of the annual
51 31 salary to the pay periods during the second six months of a
51 32 calendar year.
51 33 b. Each member of the general assembly shall file with the
51 34 director of the department of administrative services a
51 35 statement as to the method the member selects for receiving
52 1 payment of salary. The presiding officers of the two houses
52 2 of the general assembly shall jointly certify to the director
52 3 of the department of administrative services the names of the
52 4 members, officers, and employees of their respective houses
52 5 and the salaries and mileage to which each is entitled.
52 6 Travel and expense allowances shall be paid upon the
52 7 submission of vouchers to the director of the department of
52 8 administrative services indicating a claim for the same.
52 9 Sec. 113. Section 2.15, Code 2007, is amended to read as
52 10 follows:
52 11 2.15 POWERS AND DUTIES OF STANDING COMMITTEES.
52 12 1. The powers and duties of standing committees shall
52 13 include, but shall not be limited to, the following:
52 14 ~~1-~~ a. Introducing legislative bills and resolutions.
52 15 ~~2-~~ b. Conducting investigations with the approval of
52 16 either or both houses during the session, or the legislative
52 17 council during the interim, with authority to call witnesses,
52 18 administer oaths, issue subpoenas, and cite for contempt.
52 19 ~~3-~~ c. Requiring reports and information from state
52 20 agencies as well as the full ~~co-operation~~ cooperation of their
52 21 personnel.
52 22 ~~4-~~ d. Selecting nonlegislative members when conducting
52 23 studies as provided in section 2.14.
52 24 ~~5-~~ e. Undertaking in-depth studies of governmental
52 25 matters within their assigned jurisdiction, not only for the
52 26 purpose of evaluating proposed legislation, but also for
52 27 studying existing laws and governmental operations and
52 28 functions to determine their usefulness and effectiveness, as
52 29 provided in section 2.14.
52 30 ~~6-~~ f. Reviewing the operations of state agencies and
52 31 departments.
52 32 ~~7-~~ g. Giving thorough consideration to, establishing
52 33 priorities for, and making recommendations on all bills
52 34 assigned to committees.
52 35 ~~8-~~ h. Preparing reports to be made available to members
53 1 of the general assembly containing the committee's findings,
53 2 recommendations, and proposed legislation.
53 3 2. A standing committee may call upon any department,
53 4 agency or office of the state, or any political subdivision of
53 5 the state, for information and assistance as needed in the
53 6 performance of its duties and the information and assistance
53 7 shall be furnished to the extent that they are within the
53 8 resources and authority of the department, agency, office or
53 9 political subdivision. This ~~paragraph~~ subsection does not
53 10 require the production or opening of any records which are
53 11 required by law to be kept private or confidential.
53 12 Sec. 114. Section 7K.1, subsection 3, Code 2007, is

53 13 amended to read as follows:

53 14 3. MEMBERSHIP.

53 15 a. The board of directors of the foundation shall consist
53 16 of fifteen members serving staggered three-year terms
53 17 beginning on May 1 of the year of appointment who shall be
53 18 appointed as follows:

53 19 a- (1) Five members shall be appointed by the governor as
53 20 follows:

53 21 (1) (a) A school district superintendent from a school
53 22 district with enrollment of one thousand one hundred
53 23 forty-nine or fewer pupils.

53 24 (2) (b) An individual representing an Iowa business
53 25 employing more than two hundred fifty employees.

53 26 (3) (c) A community college president.

53 27 (4) (d) An individual representing labor and workforce
53 28 interests.

53 29 (5) (e) An individual representing an Iowa agriculture
53 30 association.

53 31 b- (2) Five members shall be appointed by the speaker of
53 32 the house of representatives as follows:

53 33 (1) (a) An individual representing the area education
53 34 agencies.

53 35 (2) (b) The president of an accredited private
54 1 institution as defined in section 261.9.

54 2 (3) (c) An individual representing an Iowa business
54 3 employing more than fifty employees but not more than two
54 4 hundred fifty employees.

54 5 (4) (d) An individual representing urban economic
54 6 development interests.

54 7 (5) (e) An individual from an association representing
54 8 Iowa businesses.

54 9 c- (3) Five members shall be appointed by the president
54 10 of the senate as follows:

54 11 (1) (a) A school district superintendent from a school
54 12 district with an enrollment of more than one thousand one
54 13 hundred forty-nine pupils.

54 14 (2) (b) A president of an institution of higher education
54 15 under the control of the state board of regents.

54 16 (3) (c) An individual representing an Iowa business
54 17 employing fifty or fewer employees.

54 18 (4) (d) An individual representing rural economic
54 19 development interests.

54 20 (5) (e) An individual representing a business that
54 21 established itself in Iowa on or after July 1, 1999.

54 22 b. Members, except as provided in paragraph "c" "a",
54 23 subparagraph (2) (3), subparagraph subdivision (c), shall not
54 24 be employed by the state. One co-chairperson shall be
54 25 appointed by the speaker of the house of representatives and
54 26 one co-chairperson shall be appointed by the president of the
54 27 senate.

54 28 Sec. 115. Section 8A.204, subsection 1, paragraph a,
54 29 unnumbered paragraphs 1 and 2, Code Supplement 2007, are
54 30 amended to read as follows:

54 31 "Agency" means a participating agency as defined in section
54 32 8A.201. In addition, the following definitions shall also
54 33 apply:

~~54 34 In addition, the following definitions shall also apply:~~

54 35 Sec. 116. Section 8A.502, subsection 14, Code 2007, is
55 1 amended to read as follows:

55 2 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT
55 3 ADMINISTRATOR.

55 4 a. To serve as administrator for state actions relating to
55 5 the federal Cash Management and Improvement Act of 1990, Pub.
55 6 L. No. 101-453, as codified in 31 U.S.C. } 6503. The director
55 7 shall perform the following duties relating to the federal
55 8 law:

55 9 a- (1) Act as the designated representative of the state
55 10 in the negotiation and administration of contracts between the
55 11 state and federal government relating to the federal law.

55 12 b- (2) Modify the centralized statewide accounting system
55 13 and develop, or require to be developed by the appropriate
55 14 departments of state government, the reports and procedures
55 15 necessary to complete the managerial and financial reports
55 16 required to comply with the federal law.

55 17 b. There is annually appropriated from the general fund of
55 18 the state to the department an amount sufficient to pay
55 19 interest costs that may be due the federal government as a
55 20 result of implementation of the federal law. This paragraph
55 21 does not authorize the payment of interest from the general
55 22 fund of the state for any departmental revolving, trust, or
55 23 special fund where monthly interest earnings accrue to the

55 24 credit of the departmental revolving, trust, or special fund.
55 25 For any departmental revolving, trust, or special fund where
55 26 monthly interest is accrued to the credit of the fund, the
55 27 director may authorize a supplemental expenditure to pay
55 28 interest costs from the individual fund which are due the
55 29 federal government as a result of implementation of the
55 30 federal law.

55 31 Sec. 117. Section 9D.3, subsection 2, Code 2007, is
55 32 amended to read as follows:

55 33 2. a. The bond shall be payable to the state for the use
55 34 and benefit of either:

55 35 ~~a-~~ (1) A person who is injured by the fraud,
56 1 misrepresentation, or financial failure of the travel agency
56 2 or a travel agent employed by the travel agency.

56 3 ~~b-~~ (2) The state on behalf of a person or persons under
56 4 ~~paragraph "a" subparagraph (1).~~
56 5 b. The bond shall be conditioned such that the registrant
56 6 will pay any judgment recovered by a person in a court of this
56 7 state in a suit for actual damages, including reasonable
56 8 attorney's fees, or for rescission, resulting from a cause of
56 9 action involving the sale or offer of sale of travel services.
56 10 The bond shall be open to successive claims, but the aggregate
56 11 amount of the claims paid shall not exceed the principal
56 12 amount of the bond.

56 13 Sec. 118. Section 9H.4, Code 2007, is amended to read as
56 14 follows:

56 15 9H.4 RESTRICTION ON INCREASE OF HOLDINGS == EXCEPTIONS ==
56 16 PENALTY.

56 17 1. A corporation, limited liability company, or trust,
56 18 other than a family farm corporation, authorized farm
56 19 corporation, family farm limited liability company, authorized
56 20 limited liability company, family trust, authorized trust,
56 21 revocable trust, or testamentary trust shall not, either
56 22 directly or indirectly, acquire or otherwise obtain or lease
56 23 any agricultural land in this state. However, the
56 24 restrictions provided in this section shall not apply to the
56 25 following:

56 26 ~~1-~~ a. A bona fide encumbrance taken for purposes of
56 27 security.

56 28 ~~2-~~ b. Agricultural land acquired for research or
56 29 experimental purposes. Agricultural land is used for research
56 30 or experimental purposes if any of the following apply:

56 31 ~~a-~~ (1) Research and experimental activities are
56 32 undertaken on the agricultural land and commercial sales of
56 33 products produced from farming the agricultural land do not
56 34 occur or are incidental to the research or experimental
56 35 purposes of the corporation or limited liability company.

57 1 Commercial sales are incidental to the research or
57 2 experimental purposes of the corporation or limited liability
57 3 company when such sales are less than twenty-five percent of
57 4 the gross sales of the primary product of the research.

57 5 ~~b-~~ (2) The agricultural land is used for the primary
57 6 purpose of testing, developing, or producing seeds or plants
57 7 for sale or resale to farmers as seed stock. Grain which is
57 8 not sold as seed stock is an incidental sale and must be less
57 9 than twenty-five percent of the gross sales of the primary
57 10 product of the research and experimental activities.

57 11 ~~c-~~ (3) (a) The agricultural land is used by a
57 12 corporation or limited liability company, including any trade
57 13 or business which is under common control, as provided in 26
57 14 U.S.C. } 414 for the primary purpose of testing, developing,
57 15 or producing animals for sale or resale to farmers as breeding
57 16 stock. However, after July 1, 1989, to qualify under this
57 17 ~~paragraph subparagraph subdivision~~, the following conditions
57 18 must be satisfied:

57 19 ~~(1)~~ (i) The corporation or limited liability company must
57 20 not hold the agricultural land other than as a lessee. The
57 21 term of the lease must be for not more than twelve years. The
57 22 corporation or limited liability company shall not renew a
57 23 lease. The corporation or limited liability company shall not
57 24 enter into a lease under this ~~paragraph subparagraph~~

57 25 ~~subdivision part~~, if the corporation or limited liability
57 26 company has ever entered into another lease under this
57 27 ~~paragraph "c" subparagraph (3)~~, whether or not the lease is in
57 28 effect. However, this subparagraph does not apply to a
57 29 domestic corporation organized under chapter 504, Code 1989,
57 30 or current chapter 504.

57 31 ~~(2)~~ (ii) A term or condition of sale, including resale,
57 32 of breeding stock must not relate to the direct or indirect
57 33 control by the corporation or limited liability company of the
57 34 breeding stock or breeding stock progeny subsequent to the

57 35 sale.

58 1 ~~(3)~~ (iii) The number of acres of agricultural land held
58 2 by the corporation or limited liability company must not
58 3 exceed six hundred forty acres.

58 4 ~~(4)~~ (iv) The corporation or limited liability company
58 5 must deliver a copy of the lease to the secretary of state.
58 6 The secretary of state shall notify the lessee of receipt of
58 7 the copy of the lease. However, this subparagraph subdivision
58 8 does not apply to a domestic corporation organized under
58 9 chapter 504, Code 1989, or current chapter 504.

58 10 (b) Culls and test animals may be sold under this
58 11 ~~paragraph "c" subparagraph (3).~~ For a three-year period
58 12 beginning on the date that the corporation or limited
58 13 liability company acquires an interest in the agricultural
58 14 land, the gross sales for any year shall not be greater than
58 15 five hundred thousand dollars. After the three-year period
58 16 ends, the gross sales for any year shall not be greater than
58 17 twenty-five percent of the gross sales for that year of the
58 18 breeding stock, or five hundred thousand dollars, whichever is
58 19 less.

58 20 ~~3.~~ c. Agricultural land, including leasehold interests,
58 21 acquired by a nonprofit corporation organized under the
58 22 provisions of chapter 504, Code 1989, and current chapter 504
58 23 including land acquired and operated by or for a state
58 24 university for research, experimental, demonstration,
58 25 foundation seed increase or test purposes and land acquired
58 26 and operated by or for nonprofit corporations organized
58 27 specifically for research, experimental, demonstration,
58 28 foundation seed increase or test purposes in support of or in
58 29 conjunction with a state university.

58 30 ~~4.~~ d. Agricultural land acquired by a corporation or
58 31 limited liability company for immediate or potential use in
58 32 nonfarming purposes.

58 33 ~~5.~~ e. Agricultural land acquired by a corporation or
58 34 limited liability company by process of law in the collection
58 35 of debts, or pursuant to a contract for deed executed prior to
59 1 August 15, 1975, or by any procedure for the enforcement of a
59 2 lien or claim thereon, whether created by mortgage or
59 3 otherwise.

59 4 ~~6.~~ f. A municipal corporation.

59 5 ~~7.~~ g. Agricultural land which is acquired by a trust
59 6 company or bank in a fiduciary capacity or as trustee for a
59 7 family trust, authorized trust or testamentary trust or for
59 8 nonprofit corporations.

59 9 ~~8.~~ h. A corporation or its subsidiary organized under
59 10 chapter 490 or a limited liability company organized under
59 11 chapter 490A and to which section 312.8 is applicable.

59 12 ~~9.~~ i. Agricultural land held or leased by a corporation
59 13 on July 1, 1975, as long as the corporation holding or leasing
59 14 the land on this date continues to hold or lease such
59 15 agricultural land.

59 16 ~~10.~~ j. Agricultural land held or leased by a trust on
59 17 July 1, 1977, as long as the trust holding or leasing such
59 18 land on this date continues to hold or lease such agricultural
59 19 land.

59 20 ~~11.~~ k. Agricultural land acquired by a trust for
59 21 immediate use in nonfarming purposes.

59 22 2. A corporation, limited liability company, or trust,
59 23 other than a family farm corporation, authorized farm
59 24 corporation, family farm limited liability company, authorized
59 25 limited liability company, family trust, authorized trust,
59 26 revocable trust, or testamentary trust, violating this section
59 27 shall be assessed a civil penalty of not more than twenty-five
59 28 thousand dollars and shall divest itself of any land held in
59 29 violation of this section within one year after judgment. The
59 30 courts of this state may prevent and restrain violations of
59 31 this section through the issuance of an injunction. The
59 32 attorney general or a county attorney shall institute suits on
59 33 behalf of the state to prevent and restrain violations of this
59 34 section.

59 35 Sec. 119. Section 11.4, Code 2007, is amended to read as
60 1 follows:

60 2 11.4 REPORT OF AUDITS.

60 3 1. The auditor of state shall make or cause to be made and
60 4 filed and kept in the auditor's office written reports of all
60 5 audits and examinations, which reports shall set out in detail
60 6 the following:

60 7 ~~1.~~ a. The actual condition of such department found to
60 8 exist on every examination.

60 9 ~~2.~~ b. Whether, in the auditor's opinion,

60 10 ~~a.~~ (1) All funds have been expended for the purpose for

60 11 which appropriated.

60 12 ~~b.~~ (2) The department so audited and examined is

60 13 efficiently conducted, and if the maximum results for the

60 14 money expended are obtained.

60 15 ~~c.~~ (3) The work of the departments so audited or examined

60 16 needlessly conflicts with or duplicates the work done by any

60 17 other department.

60 18 ~~3.~~ c. All illegal or unbusinesslike practices.

60 19 ~~4.~~ d. Any recommendations for greater simplicity,

60 20 accuracy, efficiency, or economy in the operation of the

60 21 business of the several departments and institutions.

60 22 ~~5.~~ e. Comparisons of prices paid and terms obtained by

60 23 the various departments for goods and services of like

60 24 character and reasons for differences therein, if any.

60 25 ~~6.~~ f. Any other information which, in the auditor's

60 26 judgment, may be of value to the auditor.

60 27 2. All such reports shall be filed and kept in the

60 28 auditor's office.

60 29 3. The state auditor is hereby authorized to obtain,

60 30 maintain, and operate, under the auditor's exclusive control

60 31 such machinery as may be necessary to print confidential

60 32 reports and documents originating in the auditor's office.

60 33 Sec. 120. Section 11.6, subsection 1, paragraph a, Code

60 34 2007, is amended to read as follows:

60 35 a. (1) The financial condition and transactions of all

61 1 cities and city offices, counties, county hospitals organized

61 2 under chapters 347 and 347A, memorial hospitals organized

61 3 under chapter 37, entities organized under chapter 28E having

61 4 gross receipts in excess of one hundred thousand dollars in a

61 5 fiscal year, merged areas, area education agencies, and all

61 6 school offices in school districts, shall be examined at least

61 7 once each year, except that cities having a population of

61 8 seven hundred or more but less than two thousand shall be

61 9 examined at least once every four years, and cities having a

61 10 population of less than seven hundred may be examined as

61 11 otherwise provided in this section. The examination shall

61 12 cover the fiscal year next preceding the year in which the

61 13 audit is conducted. The examination of school offices shall

61 14 include an audit of all school funds, the certified annual

61 15 financial report, the certified enrollment as provided in

61 16 section 257.6, and the revenues and expenditures of any

61 17 nonprofit school organization established pursuant to section

61 18 279.62. Differences in certified enrollment shall be reported

61 19 to the department of management. The examination of a city

61 20 that owns or operates a municipal utility providing local

61 21 exchange services pursuant to chapter 476 shall include an

61 22 audit of the city's compliance with section 388.10. The

61 23 examination of a city that owns or operates a municipal

61 24 utility providing telecommunications services pursuant to

61 25 section 388.10 shall include an audit of the city's compliance

61 26 with section 388.10.

61 27 (2) Subject to the exceptions and requirements of

61 28 subsection 2 and subsection 4, paragraph ~~"c"~~ "a", subparagraph

61 29 (3), examinations shall be made as determined by the

61 30 governmental subdivision either by the auditor of state or by

61 31 certified public accountants, certified in the state of Iowa,

61 32 and they shall be paid from the proper public funds of the

61 33 governmental subdivision.

61 34 Sec. 121. Section 11.6, subsection 1, paragraph b,

61 35 subparagraph (2), Code 2007, is amended to read as follows:

62 1 (2) (a) As part of its audit, the governmental

62 2 subdivision is responsible for obtaining and providing to the

62 3 person performing the audit the audited financial statements

62 4 and related report on internal control structure of outside

62 5 persons, performing any of the following during the period

62 6 under audit for the governmental subdivision:

62 7 ~~(a)~~ (i) Investing public funds.

62 8 ~~(b)~~ (ii) Advising on the investment of public funds.

62 9 ~~(c)~~ (iii) Directing the deposit or investment of public

62 10 funds.

62 11 ~~(d)~~ (iv) Acting in a fiduciary capacity for the

62 12 governmental subdivision.

62 13 (b) The audit under this section shall not be certified

62 14 until all material information required by this subparagraph

62 15 is reviewed by the person performing the audit.

62 16 Sec. 122. Section 11.6, subsection 4, Code 2007, is

62 17 amended to read as follows:

62 18 4. a. In addition to the powers and duties under other

62 19 provisions of the Code, the auditor of state may at any time

62 20 cause to be made a complete or partial reaudit of the

62 21 financial condition and transactions of any city, county,

62 22 county hospital, memorial hospital, entity organized under
62 23 chapter 28E, merged area, area education agency, school
62 24 corporation, township, or other governmental subdivision, or
62 25 an office of any of these, if one of the following conditions
62 26 exists:

62 27 ~~a.~~ (1) The auditor of state has probable cause to believe
62 28 such action is necessary in the public interest because of a
62 29 material deficiency in an audit of the governmental
62 30 subdivision filed with the auditor of state or because of a
62 31 substantial failure of the audit to comply with the standards
62 32 and procedures established and published by the auditor of
62 33 state.

62 34 ~~b.~~ (2) The auditor of state receives from an elected
62 35 official or employee of the governmental subdivision a written
63 1 request for a complete or partial reaudit of the governmental
63 2 subdivision.

63 3 ~~c.~~ (3) The auditor of state receives a petition signed by
63 4 at least fifty eligible electors of the governmental
63 5 subdivision requesting a complete or partial reaudit of the
63 6 governmental subdivision. If the governmental subdivision has
63 7 not contracted with or employed a certified public accountant
63 8 to perform an audit of the fiscal year in which the petition
63 9 is received by the auditor of state, the auditor of state may
63 10 perform an audit required by subsection 1 or 3.

63 11 ~~b.~~ The state audit shall be paid from the proper public
63 12 funds available in the office of the auditor of state. In the
63 13 event the audited governmental subdivision recovers damages
63 14 from a person performing a previous audit due to negligent
63 15 performance of that audit or breach of the audit contract, the
63 16 auditor of state shall be entitled to reimbursement on an
63 17 equitable basis for funds expended from any recovery made by
63 18 the governmental subdivision.

63 19 ~~c.~~ An examination under this subsection shall include a
63 20 determination of whether investments by the governmental
63 21 subdivision are authorized by state law.

63 22 Sec. 123. Section 13.2, Code 2007, is amended to read as
63 23 follows:

63 24 13.2 DUTIES.

63 25 ~~1.~~ It shall be the duty of the attorney general, except as
63 26 otherwise provided by law to:

63 27 ~~1.~~ ~~a.~~ Prosecute and defend all causes in the appellate
63 28 courts in which the state is a party or interested.

63 29 ~~2.~~ ~~b.~~ Prosecute and defend in any other court or
63 30 tribunal, all actions and proceedings, civil or criminal, in
63 31 which the state may be a party or interested, when, in the
63 32 attorney general's judgment, the interest of the state
63 33 requires such action, or when requested to do so by the
63 34 governor, executive council, or general assembly.

63 35 ~~3.~~ ~~c.~~ Prosecute and defend all actions and proceedings
64 1 brought by or against any state officer in the officer's
64 2 official capacity.

64 3 ~~4.~~ ~~d.~~ Prosecute and defend all actions and proceedings
64 4 brought by or against any employee of a judicial district
64 5 department of correctional services in the performance of an
64 6 assessment of risk pursuant to chapter 692A.

64 7 ~~5.~~ ~~e.~~ Give an opinion in writing, when requested, upon
64 8 all questions of law submitted by the general assembly or by
64 9 either house thereof, or by any state officer, elective or
64 10 appointive. Questions submitted by state officers must be of a
64 11 public nature and relate to the duties of such officer.

64 12 ~~6.~~ ~~f.~~ Prepare drafts for contracts, forms, and other
64 13 writings which may be required for the use of the state.

64 14 ~~7.~~ ~~g.~~ Report to the governor, at the time provided by
64 15 law, the condition of the attorney general's office, opinions
64 16 rendered, and business transacted of public interest.

64 17 ~~8.~~ ~~h.~~ Supervise county attorneys in all matters
64 18 pertaining to the duties of their offices, and from time to
64 19 time to require of them reports as to the condition of public
64 20 business entrusted to their charge.

64 21 ~~9.~~ ~~i.~~ Promptly account, to the treasurer of state, for
64 22 all state funds received by the attorney general.

64 23 ~~10.~~ ~~j.~~ Keep in proper books a record of all official
64 24 opinions, and a register of all actions, prosecuted and
64 25 defended by the attorney general, and of all proceedings had
64 26 in relation thereto, which books shall be delivered to the
64 27 attorney general's successor.

64 28 ~~11.~~ ~~k.~~ Perform all other duties required by law.

64 29 ~~12.~~ ~~l.~~ Inform prosecuting attorneys and assistant
64 30 prosecuting attorneys to the state of all changes in law and
64 31 matters pertaining to their office and establish programs for
64 32 the continuing education of prosecuting attorneys and

64 33 assistant prosecuting attorneys. The attorney general may
64 34 accept funds, grants and gifts from any public or private
64 35 source which shall be used to defray the expenses incident to
65 1 implementing duties under this ~~subsection~~ paragraph.
65 2 ~~13.~~ m. Establish and administer, in cooperation with the
65 3 law schools of Drake university and the state university of
65 4 Iowa, a prosecutor intern program incorporating the essential
65 5 elements of the pilot program denominated "law student intern
65 6 program in prosecutors' office" funded by the Iowa crime
65 7 commission and participating counties. The attorney general
65 8 shall consult with an advisory committee including
65 9 representatives of each participating law school and the Iowa
65 10 county attorneys association, inc. concerning development,
65 11 administration, and critique of this program. The attorney
65 12 general shall report on the program's operation annually to
65 13 the general assembly and the supreme court.

65 14 ~~14.~~ n. Develop written procedures and policies to be
65 15 followed by prosecuting attorneys in the prosecution of
65 16 domestic abuse cases under chapters 236 and 708.

65 17 2. Executing the duties of this section shall not be
65 18 deemed a violation of section 68B.6.

65 19 Sec. 124. Section 15.313, subsection 1, Code 2007, is
65 20 amended to read as follows:

65 21 1. a. An Iowa strategic investment fund is created as a
65 22 revolving fund consisting of any money appropriated by the
65 23 general assembly for that purpose and any other moneys
65 24 available to and obtained or accepted by the department from
65 25 the federal government or private sources for placement in the
65 26 fund. The fund shall also include all of the following:

65 27 ~~a.~~ (1) All unencumbered and unobligated funds from the
65 28 special community economic betterment program fund created
65 29 under 1990 Iowa Acts, chapter 1262, section 1, subsection 18,
65 30 remaining on June 30, 1992, all repayments of loans or other
65 31 awards made under the community economic betterment account or
65 32 under the community economic betterment program during any
65 33 fiscal year beginning on or after July 1, 1985, and recaptures
65 34 of awards.

65 35 ~~b.~~ (2) All unencumbered and unobligated funds from the
66 1 targeted small business financial assistance program, the
66 2 financing rural economic development or successor loan
66 3 program, and the value-added agricultural products and
66 4 processes financial assistance fund remaining on June 30,
66 5 1992, and all repayments of loans or other awards or
66 6 recaptures of awards made under these programs.

66 7 b. Notwithstanding section 8.33, moneys in the strategic
66 8 investment fund at the end of each fiscal year shall not
66 9 revert to any other fund but shall remain in the strategic
66 10 investment fund for expenditure for subsequent fiscal years.

66 11 Sec. 125. Section 15.331A, Code 2007, is amended to read
66 12 as follows:

66 13 15.331A SALES AND USE TAX REFUND.

66 14 1. The eligible business shall be entitled to a refund of
66 15 the sales and use taxes paid under chapter 423 for gas,
66 16 electricity, water, or sewer utility services, goods, wares,
66 17 or merchandise, or on services rendered, furnished, or
66 18 performed to or for a contractor or subcontractor and used in
66 19 the fulfillment of a written contract relating to the
66 20 construction or equipping of a facility of the eligible
66 21 business. Taxes attributable to intangible property and
66 22 furniture and furnishings shall not be refunded. However, an
66 23 eligible business shall be entitled to a refund for taxes
66 24 attributable to racks, shelving, and conveyor equipment to be
66 25 used in a warehouse or distribution center subject to section
66 26 15.331C.

66 27 2. To receive the refund a claim shall be filed by the
66 28 eligible business with the department of revenue as follows:

66 29 ~~1.~~ a. The contractor or subcontractor shall state under
66 30 oath, on forms provided by the department, the amount of the
66 31 sales of goods, wares, or merchandise or services rendered,
66 32 furnished, or performed including water, sewer, gas, and
66 33 electric utility services upon which sales or use tax has been
66 34 paid prior to the project completion, and shall file the forms
66 35 with the eligible business before final settlement is made.

67 1 ~~2.~~ b. The eligible business shall, not more than one year
67 2 after project completion, make application to the department
67 3 for any refund of the amount of the sales and use taxes paid
67 4 pursuant to chapter 423 upon any goods, wares, or merchandise,
67 5 or services rendered, furnished, or performed, including
67 6 water, sewer, gas, and electric utility services. The
67 7 application shall be made in the manner and upon forms to be
67 8 provided by the department, and the department shall audit the

67 9 claim and, if approved, issue a warrant to the eligible
67 10 business in the amount of the sales or use tax which has been
67 11 paid to the state of Iowa under a contract. A claim filed by
67 12 the eligible business in accordance with this section shall
67 13 not be denied by reason of a limitation provision set forth in
67 14 chapter 421 or 423.

67 15 3. A contractor or subcontractor who willfully makes a
67 16 false report of tax paid under the provisions of this section
67 17 is guilty of a simple misdemeanor and in addition is liable
67 18 for the payment of the tax and any applicable penalty and
67 19 interest.

67 20 Sec. 126. Section 15A.1, subsection 1, Code 2007, is
67 21 amended to read as follows:

67 22 1. a. Economic development is a public purpose for which
67 23 the state, a city, or a county may provide grants, loans,
67 24 guarantees, tax incentives, and other financial assistance to
67 25 or for the benefit of private persons.

67 26 b. For purposes of this chapter, "economic development"
67 27 means private or joint public and private investment involving
67 28 the creation of new jobs and income or the retention of
67 29 existing jobs and income that would otherwise be lost.

67 30 Sec. 127. Section 15A.2, Code 2007, is amended to read as
67 31 follows:

67 32 15A.2 CONFLICTS OF INTEREST.

67 33 1. a. If a member of the governing body of a city or
67 34 county or an employee of a state, city, or county board,
67 35 agency, commission, or other governmental entity of the state,
68 1 city, or county has an interest, either direct or indirect, in
68 2 a private person for which grants, loans, guarantees, tax
68 3 incentives, or other financial assistance may be provided by
68 4 the governing board or governmental entity, the interest shall
68 5 be disclosed to that governing body or governmental entity in
68 6 writing. The member or employee having the interest shall not
68 7 participate in the decision-making process with regard to the
68 8 providing of such financial assistance to the private person.

68 9 b. Employment by a public body, its agencies, or
68 10 institutions or by any other person having such an interest
68 11 shall not be deemed an indicia of an interest by the employee
68 12 or of any ownership or control by the employee of interests of
68 13 the employee's employer.

68 14 c. The word "participate" or "participation" shall be
68 15 deemed not to include discussion or debate preliminary to a
68 16 vote of a local governing body or agency upon proposed
68 17 ordinances or resolutions relating to such a project or any
68 18 abstention from such a vote.

68 19 d. The designation of a bank or trust company as
68 20 depository, paying agent, or agent for investment of funds
68 21 shall not be deemed a matter of interest or personal interest.

68 22 e. Stock ownership in a corporation having such an
68 23 interest shall not be deemed an indicia of an interest or of
68 24 ownership or control by the person owning the stocks when less
68 25 than five percent of the outstanding stock of the corporation
68 26 is owned or controlled directly or indirectly by that person.

68 27 f. The phrase "decision-making process" shall not be
68 28 deemed to include resolutions advisory to the local governing
68 29 body or agency by any citizens group, board, body, or
68 30 commission designated to serve a purely advisory approving or
68 31 recommending function for economic development.

68 32 2. A violation of a provision of this section is
68 33 misconduct in office under section 721.2. However, a decision
68 34 of the governing board or governmental entity is not invalid
68 35 because of the participation of the member or employee in the
69 1 decision-making process or because of a vote cast by a member
69 2 or employee in violation of this section unless the
69 3 participation or vote was decisive in the awarding of the
69 4 financial assistance.

69 5 Sec. 128. Section 15A.9, subsection 8, paragraphs a, b,
69 6 and e, Code Supplement 2007, are amended to read as follows:

69 7 a. (1) The credit equals the sum of the following:

69 8 ~~(1)~~ (a) Thirteen percent of the excess of qualified
69 9 research expenses during the tax year over the base amount for
69 10 the tax year based upon the state's apportioned share of the
69 11 qualifying expenditures for increasing research activities.

69 12 ~~(2)~~ (b) Thirteen percent of the basic research payments
69 13 determined under section 41(e)(1)(A) of the Internal Revenue
69 14 Code during the tax year based upon the state's apportioned
69 15 share of the qualifying expenditures for increasing research
69 16 activities.

69 17 (2) The state's apportioned share of the qualifying
69 18 expenditures for increasing research activities is a percent
69 19 equal to the ratio of qualified research expenditures in this

69 20 state within the zone to total qualified research
69 21 expenditures.

69 22 b. In lieu of the credit amount computed in paragraph "a",
69 23 subparagraph (1), subparagraph subdivision (a), a business may
69 24 elect to compute the credit amount for qualified research
69 25 expenses incurred in this state within the zone in a manner
69 26 consistent with the alternative incremental credit described
69 27 in section 41(c)(4) of the Internal Revenue Code. The
69 28 taxpayer may make this election regardless of the method used
69 29 for the taxpayer's federal income tax. The election made
69 30 under this paragraph is for the tax year and the taxpayer may
69 31 use another or the same method for any subsequent year.

69 32 e. (1) For the purposes of this subsection, "base
69 33 amount", "basic research payment", and "qualified research
69 34 expense" mean the same as defined for the federal credit for
69 35 increasing research activities under section 41 of the
70 1 Internal Revenue Code, except that for the alternative
70 2 incremental credit such amounts are for research conducted
70 3 within this state within the zone.

70 4 (2) For purposes of this subsection, "Internal Revenue
70 5 Code" means the Internal Revenue Code in effect on January 1,
70 6 2007.

70 7 Sec. 129. Section 15F.204, subsection 8, paragraph b, Code
70 8 2007, is amended to read as follows:

70 9 b. There is appropriated from the franchise tax revenues
70 10 deposited in the general fund of the state to the community
70 11 attraction and tourism fund, the following amounts:

70 12 (1) For the fiscal year beginning July 1, 2005, and ending
70 13 June 30, 2006, the sum of seven million dollars.

70 14 (2) For the fiscal year beginning July 1, 2006, and ending
70 15 June 30, 2007, the sum of seven million dollars.

70 16 (3) For the fiscal year beginning July 1, 2007, and ending
70 17 June 30, 2008, the sum of seven million dollars.

70 18 (4) For the fiscal year beginning July 1, 2008, and ending
70 19 June 30, 2009, the sum of seven million dollars.

70 20 (5) For the fiscal year beginning July 1, 2009, and ending
70 21 June 30, 2010, the sum of seven million dollars.

70 22 9. Notwithstanding the allocation requirements in
70 23 subsection 5, the board may make a multiyear commitment to an
70 24 applicant of up to four million dollars in any one fiscal
70 25 year.

70 26 Sec. 130. Section 15G.203, subsection 7, Code Supplement
70 27 2007, is amended to read as follows:

70 28 7. a. An award of financial incentives to a participating
70 29 person shall be in the form of a grant.

70 30 b. In order to participate in the program an eligible
70 31 person must execute a cost-share agreement with the department
70 32 as approved by the infrastructure board in which the person
70 33 contributes a percentage of the total costs related to
70 34 improving the retail motor fuel site.

70 35 ~~a.~~ (1) Except as provided in ~~paragraph "b"~~ subparagraph
71 1 (2), a participating person may be awarded standard financial
71 2 incentives. The standard financial incentives awarded to the
71 3 participating person shall not exceed fifty percent of the
71 4 actual cost of making the improvement or thirty thousand
71 5 dollars, whichever is less. The infrastructure board may
71 6 approve multiple awards to make improvements to a retail motor
71 7 fuel site so long as the total amount of the awards does not
71 8 exceed the limitations provided in this ~~paragraph~~
71 9 subparagraph.

71 10 ~~b.~~ (2) In addition to any standard financial incentives
71 11 awarded to a participating person under ~~paragraph "a"~~
71 12 subparagraph (1), the participating person may be awarded
71 13 supplemental financial incentives to upgrade or replace a
71 14 dispenser which is part of gasoline storage and dispensing
71 15 infrastructure used to store and dispense E-85 gasoline as
71 16 provided in section 455G.31. The person is only eligible to
71 17 receive the supplemental financial incentives if the person
71 18 installed the dispenser not later than sixty days after the
71 19 date of the publication in the Iowa administrative bulletin of
71 20 the state fire marshal's order providing that a commercially
71 21 available dispenser is listed as compatible for use with E-85
71 22 gasoline by an independent testing laboratory as provided in
71 23 section 455G.31. The supplemental financial incentives
71 24 awarded to the participating person shall not exceed
71 25 seventy-five percent of the actual cost of making the
71 26 improvement or thirty thousand dollars, whichever is less.

71 27 Sec. 131. Section 15I.2, subsection 1, Code Supplement
71 28 2007, is amended to read as follows:

71 29 1. ~~a.~~ Any nonretail, nonservice business may claim a tax
71 30 credit equal to a percentage of the annual wages and benefits

71 31 paid for a qualified new job created by the location or
71 32 expansion of the business in the state.
71 33 a. (1) The tax credit shall be allowed against taxes
71 34 imposed under chapter 422, division II, III, or V, and chapter
71 35 432 and against the moneys and credits tax imposed in section
72 1 533.329. The percentage shall be equal to the amount provided
72 2 in subsection 2.

72 3 (2) Any credit in excess of the tax liability shall be
72 4 refunded. In lieu of claiming a refund, a taxpayer may elect
72 5 to have the overpayment shown on the taxpayer's final,
72 6 completed return credited to the tax liability for the
72 7 following taxable year.

72 8 b. If the business is a partnership, S corporation,
72 9 limited liability company, or estate or trust electing to have
72 10 the income taxed directly to the individual, an individual may
72 11 claim the tax credit allowed. The amount claimed by the
72 12 individual shall be based upon the pro rata share of the
72 13 individual's earnings of the partnership, S corporation,
72 14 limited liability company, or estate or trust.

72 15 Sec. 132. Section 16.28, subsection 2, Code 2007, is
72 16 amended to read as follows:

72 17 2. a. The authority or any trustee appointed under the
72 18 indenture under which the bonds are issued may, and upon
72 19 written request of the holders of twenty-five percent in
72 20 aggregate principal amount of the issue of bonds or notes then
72 21 outstanding shall:

72 22 ~~a. (1)~~ Enforce all rights of the bondholders or
72 23 noteholders, including the right to require the authority to
72 24 carry out its agreements with the holders and to perform its
72 25 duties under this chapter.

72 26 ~~b. (2)~~ Bring suit upon the bonds or notes.

72 27 ~~c. (3)~~ By action require the authority to account as if
72 28 it were the trustee of an express trust for the holders.

72 29 ~~d. (4)~~ By action enjoin any acts or things which are
72 30 unlawful or in violation of the rights of the holders.

72 31 ~~e. (5)~~ Declare all the bonds or notes due and payable and
72 32 if all defaults are made good then with the consent of the
72 33 holders of twenty-five percent of the aggregate principal
72 34 amount of the issue of bonds or notes then outstanding, annul
72 35 the declaration and its consequences.

73 1 b. The bondholders or noteholders, to the extent provided
73 2 in the resolution by which the bonds or notes were issued or
73 3 in their agreement with the authority, may enforce any of the
73 4 remedies in ~~paragraphs~~ paragraph "a" to "e", subparagraphs (1)
73 5 to (5) or the remedies provided in those agreements for and on
73 6 their own behalf.

73 7 Sec. 133. Section 16.52, subsections 2 and 3, Code 2007,
73 8 are amended to read as follows:

73 9 2. The authority shall adopt rules and allocation
73 10 procedures which will ensure the maximum use of available tax
73 11 credits in order to encourage development of low-income
73 12 housing in the state. The authority shall consider the
73 13 following factors in the adoption and application of the
73 14 allocation rules:

73 15 a. Timeliness of the application.

73 16 b. Location of the proposed housing project.

73 17 c. Relative need in the proposed area for low-income
73 18 housing.

73 19 d. Availability of low-income housing in the proposed
73 20 area.

73 21 e. Economic feasibility of the proposed project.

73 22 f. Ability of the applicant to proceed to completion of
73 23 the project in the calendar year for which the credit is
73 24 sought.

73 25 3. a. The authority shall adopt rules specifying the
73 26 application procedure and the allowance of low-income housing
73 27 credits under the state housing credit ceiling.

73 28 ~~3. b.~~ The authority shall not allow more than ninety
73 29 percent of the low-income housing credits under the state
73 30 housing credit ceiling to projects other than qualified
73 31 low-income housing projects as defined in Internal Revenue
73 32 Code } 42(h)(5)(B).

73 33 Sec. 134. Section 16.91, subsection 5, Code Supplement
73 34 2007, is amended to read as follows:

73 35 5. The participation of abstractors and attorneys shall be
74 1 in accordance with rules established by the division and
74 2 adopted by the authority pursuant to chapter 17A.

74 3 a. (1) Each participant shall at all times maintain
74 4 liability coverage in amounts approved by the division. Upon
74 5 payment of a claim by the division, the division shall be
74 6 subrogated to the rights of the claimant against all persons

74 7 relating to the claim.

74 8 (2) Additionally, each participating abstractor is
74 9 required to own or lease, and maintain and use in the
74 10 preparation of abstracts, an up-to-date abstract title plant
74 11 including tract indices for real estate for each county in
74 12 which abstracts are prepared for real property titles
74 13 guaranteed by the division. The tract indices shall contain a
74 14 reference to all instruments affecting the real estate which
74 15 are recorded in the office of the county recorder, and shall
74 16 commence not less than forty years prior to the date the
74 17 abstractor commences participation in the title guaranty
74 18 program. However, a participating attorney providing abstract
74 19 services continuously from November 12, 1986, to the date of
74 20 application, either personally or through persons under the
74 21 attorney's supervision and control is exempt from the
74 22 requirements of this ~~paragraph~~ subparagraph.

74 23 b. The division may waive the requirements of this
74 24 subsection pursuant to an application of an attorney or
74 25 abstractor which shows that the requirements impose a hardship
74 26 to the attorney or abstractor and that the waiver clearly is
74 27 in the public interest or is absolutely necessary to ensure
74 28 availability of title guaranties throughout the state.

74 29 Sec. 135. Section 16.100, subsection 2, paragraph c, Code
74 30 2007, is amended to read as follows:

74 31 c. (1) A home ownership incentive program to help lower
74 32 income and very low income families achieve single family home
74 33 ownership. Funds provided under this program shall not be
74 34 restricted to first-time home buyers but shall be limited to
74 35 mortgages under fifty-five thousand dollars, except in those
75 1 areas of the state where the median price of homes exceeds the
75 2 state average. The assistance provided shall include at least
75 3 one of the following kinds of assistance:

75 4 ~~(1)~~ (a) Closing costs assistance.
75 5 ~~(2)~~ (b) Down payment assistance.
75 6 ~~(3)~~ (c) Home maintenance and repair assistance.
75 7 ~~(4)~~ (d) Loan processing assistance through a loan
75 8 endorser review contractor who acts on behalf of the authority
75 9 in assisting lenders in processing loans that will qualify for
75 10 government insurance or guarantee or for financing under the
75 11 authority's mortgage revenue bond program.

75 12 ~~(5)~~ (e) Mortgage insurance program.
75 13 (2) Five percent of the moneys expended under this program
75 14 shall be used to finance the purchase or acquisition, in
75 15 communities with a population of less than ten thousand, of
75 16 manufactured homes as defined in 42 U.S.C. } 5403. Moneys
75 17 available for this purpose which are unencumbered or
75 18 unobligated at the end of the fiscal year shall revert to the
75 19 housing improvement fund for reallocation for the next fiscal
75 20 year.

75 21 (3) Not more than fifty percent of the assistance provided
75 22 under this program shall be provided under ~~subparagraphs (4)~~
75 23 ~~subparagraph (1), subparagraph subdivisions (d) and (5) (e).~~
75 24 So long as at least one of the kinds of assistance described
75 25 in ~~subparagraphs subparagraph (1), subparagraph subdivisions~~
75 26 ~~(a) through (5) (e)~~ is provided, additional assistance not
75 27 described in ~~subparagraphs subparagraph (1), subparagraph~~
75 28 ~~subdivisions (a) through (5) (e)~~ may also be provided.

75 29 Sec. 136. Section 16A.10, subsection 2, Code 2007, is
75 30 amended to read as follows:

75 31 2. a. The authority or any trustee appointed under the
75 32 indenture under which the obligations are issued may, and upon
75 33 written request of the holders of twenty-five percent in
75 34 aggregate principal amount of the issue of obligations then
75 35 outstanding shall:

76 1 a- (1) Enforce all rights of the holders of the
76 2 obligations, including the right to require the authority to
76 3 carry out its agreements with the holders and to perform its
76 4 duties under this chapter.
76 5 b- (2) Bring suit upon the obligations.
76 6 c- (3) By action require the authority to account as if
76 7 it were the trustee of an express trust for the holders.
76 8 d- (4) By action enjoin any acts or things which are
76 9 unlawful or in violation of the rights of the holders.
76 10 e- (5) Declare all the obligations due and payable and if
76 11 all defaults are made good then with the consent of the
76 12 holders of twenty-five percent of the aggregate principal
76 13 amount of the issue of obligations then outstanding, annul the
76 14 declaration and its consequences.
76 15 b. The holders of obligations, to the extent provided in
76 16 the resolution by which the obligations were issued or in
76 17 their agreement with the authority, may enforce any of the

76 18 remedies in ~~paragraphs~~ paragraph "a", subparagraphs (1) to "e"
76 19 (5) or the remedies provided in those agreements for and on
76 20 their own behalf.

76 21 Sec. 137. Section 17A.1, subsection 2, Code 2007, is
76 22 amended to read as follows:

76 23 2. This chapter is intended to provide a minimum
76 24 procedural code for the operation of all state agencies when
76 25 they take action affecting the rights and duties of the
76 26 public. Nothing in this chapter is meant to discourage
76 27 agencies from adopting procedures providing greater
76 28 protections to the public or conferring additional rights upon
76 29 the public; and save for express provisions of this chapter to
76 30 the contrary, nothing in this chapter is meant to abrogate in
76 31 whole or in part any statute prescribing procedural duties for
76 32 an agency which are greater than or in addition to those
76 33 provided here. This chapter is meant to apply to all
76 34 rulemaking and contested case proceedings and all suits for
76 35 the judicial review of agency action that are not specifically
77 1 excluded from this chapter or some portion thereof by its
77 2 express terms or by the express terms of another chapter.

77 3 3. The purposes of this chapter are: To provide
77 4 legislative oversight of powers and duties delegated to
77 5 administrative agencies; to increase public accountability of
77 6 administrative agencies; to simplify government by assuring a
77 7 uniform minimum procedure to which all agencies will be held
77 8 in the conduct of their most important functions; to increase
77 9 public access to governmental information; to increase public
77 10 participation in the formulation of administrative rules; to
77 11 increase the fairness of agencies in their conduct of
77 12 contested case proceedings; and to simplify the process of
77 13 judicial review of agency action as well as increase its ease
77 14 and availability.

77 15 4. In accomplishing its objectives, the intention of this
77 16 chapter is to strike a fair balance between these purposes and
77 17 the need for efficient, economical and effective government
77 18 administration. The chapter is not meant to alter the
77 19 substantive rights of any person or agency. Its impact is
77 20 limited to procedural rights with the expectation that better
77 21 substantive results will be achieved in the everyday conduct
77 22 of state government by improving the process by which those
77 23 results are attained.

77 24 Sec. 138. Section 17A.7, subsection 2, Code 2007, is
77 25 amended to read as follows:

77 26 2. a. Any interested person, association, agency, or
77 27 political subdivision may submit a written request to the
77 28 administrative rules coordinator for an agency to conduct a
77 29 formal review of a specified rule of that agency to determine
77 30 whether the rule should be repealed or amended or a new rule
77 31 adopted instead. The administrative rules coordinator shall
77 32 determine whether the request is reasonable and does not place
77 33 an unreasonable burden upon the agency.

77 34 b. If the agency has not conducted such a review of the
77 35 specified rule within a period of five years prior to the
78 1 filing of the written request, and upon a determination by the
78 2 administrative rules coordinator that the request is
78 3 reasonable and does not place an unreasonable burden upon the
78 4 agency, the agency shall prepare within a reasonable time a
78 5 written report with respect to the rule summarizing the
78 6 agency's findings, its supporting reasons, and any proposed
78 7 course of action. The report must include, for the specified
78 8 rule, a concise statement of all of the following:

78 9 a. (1) The rule's effectiveness in achieving its
78 10 objectives, including a summary of any available data
78 11 supporting the conclusions reached.

78 12 b. (2) Written criticisms of the rule received during the
78 13 previous five years, including a summary of any petitions for
78 14 waiver of the rule tendered to the agency or granted by the
78 15 agency.

78 16 c. (3) Alternative solutions regarding the subject matter
78 17 of the criticisms and the reasons they were rejected or the
78 18 changes made in the rule in response to those criticisms and
78 19 the reasons for the changes.

78 20 c. A copy of the report shall be sent to the
78 21 administrative rules review committee and the administrative
78 22 rules coordinator and shall be made available for public
78 23 inspection.

78 24 Sec. 139. Section 23A.2, subsection 10, paragraph 1,
78 25 subparagraph (2), subparagraph subdivision (c), Code 2007, is
78 26 amended to read as follows:

78 27 (c) A resident who cannot be placed in a community
78 28 placement plan with a community-based provider of services may

78 29 be placed by the state resource center in an on-campus or
78 30 off-campus vocational or employment training program.

78 31 (i) However, prior to placing a resident in an on-campus
78 32 vocational or employment training program, the state resource
78 33 center shall seek an off-campus vocational or employment
78 34 training program offered by a community-based provider who
78 35 serves the county in which the state resource center is based
79 1 or the counties contiguous to the county, provided that the
79 2 resident will not be required to travel for more than thirty
79 3 minutes one way to obtain services.

79 4 (ii) If off-campus services cannot be provided by a
79 5 community-based provider, the state resource center shall
79 6 offer the resident an on-campus vocational or employment
79 7 training program. The on-campus program shall be operated in
79 8 compliance with the federal Fair Labor Standards Act. At
79 9 least semiannually, the state resource center shall seek an
79 10 off-campus community-based vocational or employment training
79 11 option for each resident placed in an on-campus program.

79 12 (iii) The state resource center shall not place a resident
79 13 in an off-campus program in which the cost to the state
79 14 resource center would be in excess of the provider's actual
79 15 cost as determined by purchase of service rules or if the
79 16 service would not be reimbursed under the medical assistance
79 17 program.

79 18 Sec. 140. Section 24.48, Code 2007, is amended to read as
79 19 follows:

79 20 24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS.

79 21 1. If the property tax valuations effective January 1,
79 22 1979 and January 1 of any subsequent year, are reduced or
79 23 there is an unusually low growth rate in the property tax base
79 24 of a political subdivision, the political subdivision may
79 25 appeal to the state appeal board to request suspension of the
79 26 statutory property tax levy limitations to continue to fund
79 27 the present services provided. A political subdivision may
79 28 also appeal to the state appeal board where the property tax
79 29 base of the political subdivision has been reduced or there is
79 30 an unusually low growth rate for any of the following reasons:

79 31 1. a. Any unusual increase in population as determined by
79 32 the preceding certified federal census.

79 33 2. b. Natural disasters or other emergencies.

79 34 3. c. Unusual problems relating to major new functions
79 35 required by state law.

80 1 4. d. Unusual staffing problems.

80 2 5. e. Unusual need for additional funds to permit
80 3 continuance of a program which provides substantial benefit to
80 4 its residents.

80 5 6. f. Unusual need for a new program which will provide
80 6 substantial benefit to residents, if the political subdivision
80 7 establishes the need and the amount of the necessary increased
80 8 cost.

80 9 2. The state appeal board may approve or modify the
80 10 request of the political subdivision for suspension of the
80 11 statutory property tax levy limitations.

80 12 3. Upon decision of the state appeal board, the department
80 13 of management shall make the necessary changes in the total
80 14 budget of the political subdivision and certify the total
80 15 budget to the governing body of the political subdivision and
80 16 the appropriate county auditors.

80 17 4. a. The city finance committee shall have officially
80 18 notified any city of its approval, modification or rejection
80 19 of the city's appeal of the decision of the director of the
80 20 department of management regarding a city's request for a
80 21 suspension of the statutory property tax levy limitation prior
80 22 to thirty-five days before March 15.

80 23 b. The state appeals board shall have officially notified
80 24 any county of its approval, modification or rejection of the
80 25 county's request for a suspension of the statutory property
80 26 tax levy limitation prior to thirty-five days before March 15.

80 27 5. a. For purposes of this section only, "political
80 28 subdivision" means a city, school district, or any other
80 29 special purpose district which certifies its budget to the
80 30 county auditor and derives funds from a property tax levied
80 31 against taxable property situated within the political
80 32 subdivision.

80 33 b. For the purpose of this section, when the political
80 34 subdivision is a city, the director of the department of
80 35 management, and the city finance committee on appeal of the
81 1 director's decision, shall be the state appeal board.

81 2 Sec. 141. Section 28A.18, subsections 1, 2, and 4, Code
81 3 2007, are amended to read as follows:

81 4 1. a. The bonds issued by the board pursuant to this

81 5 division shall be authorized by resolution of the board and
81 6 shall be either term or serial bonds, shall bear the date,
81 7 mature at the time, not exceeding forty years from their
81 8 respective dates, bear interest at the rate, not exceeding the
81 9 rate permitted under chapter 74A or the rate authorized by
81 10 another state within the greater metropolitan area, whichever
81 11 rate is lower, payable monthly or semiannually, be in the
81 12 denominations, be in the form, either coupon or fully
81 13 registered, shall carry the registration, exchangeability and
81 14 interchangeability privileges, be payable in the medium of
81 15 payment and at the place, within or without the state, be
81 16 subject to the terms of redemption and be entitled to the
81 17 priorities on the revenues, rates, fees, rentals, or other
81 18 charges or receipts of the authority as the resolution may
81 19 provide. The bonds shall be executed either by manual or
81 20 facsimile signature by the officers as the authority shall
81 21 determine, provided that the bonds shall bear at least one
81 22 signature which is manually executed on the bond, and the
81 23 coupons attached to the bonds shall bear the facsimile
81 24 signature of the officer as designated by the authority and
81 25 the bonds shall have the seal of the authority, affixed,
81 26 imprinted, reproduced, or lithographed on the bond, all as may
81 27 be prescribed in a resolution.

81 28 b. The bonds shall be sold at public sale or private sale
81 29 at the price as the authority shall determine to be in the
81 30 best interests of the authority provided that the bonds shall
81 31 not be sold at less than ninety-eight percent of the par value
81 32 of the bond, plus accrued interest and provided that the net
81 33 interest cost shall not exceed that permitted by applicable
81 34 state law. Pending the preparation of definitive bonds,
81 35 interim certificates or temporary bonds may be issued to the
82 1 purchaser of the bonds, and may contain the terms and
82 2 conditions as the board may determine.

82 3 2. a. The board, after the issuance of bonds, may borrow
82 4 moneys for the purposes for which the bonds are to be issued
82 5 in anticipation of the receipt of the proceeds of the sale of
82 6 the bonds and within the authorized maximum amount of the bond
82 7 issue. Any loan shall be paid within three years after the
82 8 date of the initial loan. Bond anticipation notes shall be
82 9 issued for all moneys so borrowed under this section, and the
82 10 notes may be renewed, but all the renewal notes shall mature
82 11 within the time above limited for the payment of the initial
82 12 loan. The notes shall be authorized by resolution of the
82 13 board and shall be in the denominations, shall bear interest
82 14 at the rate not exceeding the maximum rate permitted by the
82 15 resolution authorizing the issuance of the bonds, shall be in
82 16 the form and shall be executed in the manner, all as the
82 17 authority prescribes.

82 18 b. The notes shall be sold at public or private sale or,
82 19 if the notes are renewal notes, they may be exchanged for
82 20 notes outstanding on the terms as the board determines. The
82 21 board may retire any notes from the revenues derived from its
82 22 metropolitan facilities or from other moneys of the authority
82 23 which are lawfully available or from a combination of revenues
82 24 and other available moneys, in lieu of retiring them by means
82 25 of bond proceeds. However, before the retirement of the notes
82 26 by any means other than the issuance of bonds, the board shall
82 27 amend or repeal the resolution authorizing the issuance of the
82 28 bonds, in anticipation of the proceeds of the sale of the
82 29 notes, so as to reduce the authorized amount of the bond issue
82 30 by the amount of the notes so retired. The amendatory or
82 31 repealing resolution shall take effect upon its passage.

82 32 4. The board of the authority may enter into any deeds of
82 33 trust, mortgages, indentures, or other agreements, with any
82 34 bank or trust company or any other lender within or without
82 35 the state as security for the bonds, and may assign and pledge
83 1 all or any of the revenues, rates, fees, rentals, or other
83 2 charges or receipts of the authority. The deeds of trust,
83 3 mortgages, indentures, or other agreements may contain the
83 4 provisions as may be customary in the instruments, or, as the
83 5 board may authorize, including, but without limitation,
83 6 provisions as to:

83 7 a. The construction, improvement, operation, leasing,
83 8 maintenance, and repair of the metropolitan facilities and
83 9 duties of the board with reference to the facilities.

83 10 b. The application of funds and the safeguarding and
83 11 investment of funds on hand or on deposit.

83 12 c. The appointment of consulting engineers or architects
83 13 and approval by the holders of the bonds.

83 14 d. The rights and remedies of the trustee and the holders
83 15 of the bonds.

83 16 e. The terms and provisions of the bonds or the resolution
83 17 authorizing the issuance of the bonds.

83 18 5. Any of the bonds issued pursuant to this section are
83 19 negotiable instruments, and have all the qualities and
83 20 incidents of negotiable instruments and are exempt from state
83 21 taxation.

83 22 Sec. 142. Section 28E.17, subsection 3, Code 2007, is
83 23 amended to read as follows:

83 24 3. a. A city which is a party to a joint transit agency
83 25 may issue general corporate purpose bonds for the support of a
83 26 capital program for the joint agency in the following manner:

83 27 a. (1) The council shall give notice and conduct a
83 28 hearing on the proposal in the manner set forth in section
83 29 384.25. However, the notice must be published at least ten
83 30 days prior to the hearing, and if a petition valid under
83 31 section 362.4 is filed with the clerk of the city prior to the
83 32 hearing, asking that the question of issuing the bonds be
83 33 submitted to the registered voters of the city, the council
83 34 shall either by resolution declare the proposal abandoned or
83 35 shall direct the county commissioner of elections to call a
84 1 special election to vote upon the question of issuing the
84 2 bonds. Notice of the election and its conduct shall be in the
84 3 manner provided in section 384.26.

84 4 b. (2) If no petition is filed, or if a petition is filed
84 5 and the proposition of issuing bonds is approved at the
84 6 election, the council may proceed with the authorization and
84 7 issuance of the bonds.

84 8 b. An agreement may provide for full or partial payment
84 9 from transit revenues to the cities for meeting debt service
84 10 on such bonds.

84 11 c. This subsection shall be construed as granting
84 12 additional power without limiting the power already existing
84 13 in cities, and as providing an alternative independent method
84 14 for the carrying out of any project for the issuance and sale
84 15 of bonds for the financing of a city's share of a capital
84 16 expenditures project of a joint transit agency, and no further
84 17 proceedings with respect to the authorization of the bonds
84 18 shall be required.

84 19 Sec. 143. Section 28E.22, Code 2007, is amended to read as
84 20 follows:

84 21 28E.22 REFERENDUM FOR TAX.

84 22 1. The board of supervisors, or the city councils of a
84 23 district composed only of cities, may, and upon receipt of a
84 24 petition signed by eligible electors residing in the district
84 25 equal in number to at least five percent of the registered
84 26 voters in the district shall, submit a proposition to the
84 27 electorate residing in the district at any general election or
84 28 at a special election held throughout the district. The
84 29 proposition shall provide for the establishment of a public
84 30 safety fund and the levy of a tax on taxable property located
84 31 in the district at rates not exceeding the rates specified in
84 32 this section for the purpose of providing additional moneys
84 33 for the operation of the district.

84 34 2. The ballot for the election shall be prepared in
84 35 substantially the form for submitting special questions at
85 1 general elections and the form of the proposition shall be
85 2 substantially as follows:
85 3 ~~Shall~~ "Shall an annual levy, the amount of which will not
85 4 exceed a rate of one dollar and fifty cents per thousand
85 5 dollars of assessed value of the taxable property in the
85 6 unified law enforcement district be authorized for providing
85 7 additional moneys needed for unified law enforcement services
85 8 in the district?

85 9 Yes ____ No ____ "

85 10 3. If a majority of the registered voters in each city and
85 11 the unincorporated area of the county voting on the
85 12 proposition approve the proposition, the county board of
85 13 supervisors for unincorporated area and city councils for
85 14 cities are authorized to levy the tax as provided in section
85 15 28E.23.

85 16 4. Such moneys collected pursuant to the tax levy shall be
85 17 expended only for providing additional moneys needed for
85 18 unified law enforcement services in the district and shall be
85 19 in addition to the revenues raised in the county and cities in
85 20 the district from their general funds which are based upon an
85 21 average of revenues raised for law enforcement purposes by the
85 22 county or city for the three previous years. The amount of
85 23 revenues raised for law enforcement purposes by the county for
85 24 the three previous years shall be computed separately for the
85 25 unincorporated portion of the district and for each city in
85 26 the district.

85 27 Sec. 144. Section 29B.117, Code 2007, is amended to read
85 28 as follows:
85 29 29B.117 COURTS OF INQUIRY.
85 30 1. a. Courts of inquiry to investigate any matter may be
85 31 convened by the adjutant general, the governor, or by any
85 32 other person designated by the adjutant general or authorized
85 33 to convene a general court-martial for that purpose, whether
85 34 or not the persons involved have requested the inquiry.
85 35 b. A court of inquiry consists of three or more
86 1 commissioned officers. For each court of inquiry the
86 2 convening authority shall also appoint counsel for the court.
86 3 2. Any person subject to this code whose conduct is
86 4 subject to inquiry shall be designated as a party. Any person
86 5 subject to this code who has a direct interest in the subject
86 6 of inquiry has the right to be designated as a party upon
86 7 request to the court. Any person designated as a party shall
86 8 be given due notice and has the right to be present, to be
86 9 represented by counsel, to cross-examine witnesses, and to
86 10 introduce evidence.
86 11 3. a. Members of a court of inquiry may be challenged by
86 12 a party, but only for cause stated to the court.
86 13 b. The members, counsel, the reporter, and interpreters of
86 14 courts of inquiry shall take an oath or affirmation to
86 15 faithfully perform their duties.
86 16 c. Witnesses may be summoned to appear and testify and be
86 17 examined before courts of inquiry, as provided for
86 18 courts-martial.
86 19 d. Courts of inquiry shall make findings of fact but may
86 20 not express opinions or make recommendations unless required
86 21 to do so by the convening authority.
86 22 e. Each court of inquiry shall keep a record of its
86 23 proceedings, which shall be authenticated by the signatures of
86 24 the president and counsel for the court and forwarded to the
86 25 convening authority. If the record cannot be authenticated by
86 26 the president, it shall be signed by a member in lieu of the
86 27 president. If the record cannot be authenticated by the
86 28 counsel for the court, it shall be signed by a member in lieu
86 29 of the counsel.

86 30 Sec. 145. Section 34A.3, subsection 3, Code 2007, is
86 31 amended to read as follows:

86 32 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT E911
86 33 SERVICE BOARD.

86 34 a. A legal entity created pursuant to chapter 28E by a
86 35 county or counties, other political divisions, and public or
87 1 private agencies to jointly plan, implement, and operate a
87 2 countywide, or larger, enhanced 911 service system may be
87 3 substituted for the joint E911 service board required under
87 4 subsection 1. An alternative legal entity created pursuant to
87 5 chapter 28E as a substitute for a joint E911 service board, as
87 6 permitted by this subsection, may be created by either:

~~87 7 An alternative legal entity created pursuant to chapter 28E~~
~~87 8 as a substitute for a joint E911 service board, as permitted~~
~~87 9 by this subsection, may be created by either:~~

87 10 a. (1) Agreement of the parties entitled to voting
87 11 membership on a joint E911 service board.

87 12 b. (2) Agreement of the members of a joint E911 service
87 13 board.

87 14 b. An alternative chapter 28E entity has all of the powers
87 15 of a joint E911 service board and any additional powers
87 16 granted by the agreement. As used in this chapter, "joint
87 17 E911 service board" includes an alternative chapter 28E entity
87 18 created for that purpose, except as specifically limited by
87 19 the chapter 28E agreement or unless clearly provided otherwise
87 20 in this chapter. A chapter 28E agreement related to E911
87 21 service shall permit the participation of a private safety
87 22 agency or other persons allowed to participate in a joint E911
87 23 service board, but the terms, scope, and conditions of
87 24 participation are subject to the chapter 28E agreement.

87 25 Sec. 146. Section 34A.6, subsections 1 and 2, Code 2007,
87 26 are amended to read as follows:

87 27 1. Before a joint E911 service board may request
87 28 imposition of the surcharge by the program manager, the board
87 29 shall submit the following question to voters, as provided in
87 30 subsection 2, in the proposed E911 service area, and the
87 31 question shall receive a favorable vote from a simple majority
87 32 of persons submitting valid ballots on the following question
87 33 within the proposed E911 service area:

87 34 ~~Shall~~ Shall the following public YES ____
87 35 measure be adopted? NO ____

88 1 Enhanced 911 emergency telephone service shall be funded,
88 2 in whole or in part, by a monthly surcharge of (an amount

88 3 determined by the local joint E911 service board of up to one
88 4 dollar) on each telephone access line collected as part of
88 5 each telephone subscriber's monthly phone bill if provided
88 6 within (description of the proposed E911 service area)."

88 7 2. The referendum required as a condition of the surcharge
88 8 imposition in subsection 1 shall be conducted using the
88 9 following electoral mechanism:

88 10 a. At the request of the joint E911 service board a county
88 11 commissioner of elections shall include the question on the
88 12 next eligible general election ballot in each electoral
88 13 precinct to be served, in whole or in part, by the proposed
88 14 E911 service area, provided the request is timely submitted to
88 15 permit inclusion.

88 16 b. The question may be included in the next election in
88 17 which all of the voters in the proposed E911 service area will
88 18 be eligible to vote on the same day.

88 19 c. The county commissioner of elections shall report the
88 20 results to the joint E911 service board.

88 21 d. The joint E911 service board shall compile the results
88 22 if subscribers from more than one county are included within
88 23 the proposed service area. The joint E911 service board shall
88 24 announce whether a simple majority of the compiled votes
88 25 reported by the commissioner approved the referendum question.

88 26 Sec. 147. Section 47.6, subsection 1, Code 2007, is
88 27 amended to read as follows:

88 28 1. a. (1) The governing body of any political
88 29 subdivision which has authorized a special election to which
88 30 section 39.2 is applicable shall by written notice inform the
88 31 commissioner who will be responsible for conducting the
88 32 election of the proposed date of the special election.

88 33 (a) If a public measure will appear on the ballot at the
88 34 special election the governing body shall submit the complete
88 35 text of the public measure to the commissioner with the notice
89 1 of the proposed date of the special election.

89 2 (b) If the proposed date of the special election coincides
89 3 with the date of a regularly scheduled election or previously
89 4 scheduled special election, the notice shall be given no later
89 5 than five p.m. on the last day on which nomination papers may
89 6 be filed with the commissioner for the regularly scheduled
89 7 election or previously scheduled special election, but in no
89 8 case shall notice be less than thirty-two days before the
89 9 election. Otherwise, the notice shall be given at least
89 10 thirty-two days in advance of the date of the proposed special
89 11 election.

89 12 (2) Upon receiving the notice, the commissioner shall
89 13 promptly give written approval of the proposed date unless it
89 14 appears that the special election, if held on that date, would
89 15 conflict with a regular election or with another special
89 16 election previously scheduled for that date.

89 17 b. A public measure shall not be withdrawn from the ballot
89 18 at any election if the public measure was placed on the ballot
89 19 by a petition, or if the election is a special election called
89 20 specifically for the purpose of deciding one or more public
89 21 measures for a single political subdivision. However, a
89 22 public measure which was submitted to the county commissioner
89 23 of elections by the governing body of a political subdivision
89 24 may be withdrawn by the governing body which submitted the
89 25 public measure if the public measure was to be placed on the
89 26 ballot of a regularly scheduled election. The notice of
89 27 withdrawal must be made by resolution of the governing body
89 28 and must be filed with the commissioner no later than the last
89 29 day upon which a candidate may withdraw from the ballot.

89 30 Sec. 148. Section 47.8, subsections 1 and 3, Code 2007,
89 31 are amended to read as follows:

89 32 1. A state voter registration commission is established
89 33 which shall meet at least quarterly to make and review policy,
89 34 adopt rules, and establish procedures to be followed by the
89 35 registrar in discharging the duties of that office, and to
90 1 promote interagency cooperation and planning.

90 2 a. The commission shall consist of the state commissioner
90 3 of elections or the state commissioner's designee, the state
90 4 chairpersons of the two political parties whose candidates for
90 5 president of the United States or governor, as the case may
90 6 be, received the greatest and next greatest number of votes in
90 7 the most recent general election, or their respective
90 8 designees, and a county commissioner of registration appointed
90 9 by the president of the Iowa state association of county
90 10 auditors, or an employee of the commissioner.

90 11 b. The commission membership shall be balanced by
90 12 political party affiliation pursuant to section 69.16.
90 13 Members shall serve without additional salary or

90 14 reimbursement.

90 15 c. The state commissioner of elections, or the state
90 16 commissioner's designee, shall serve as chairperson of the
90 17 state voter registration commission.

90 18 3. a. The registrar shall provide staff services to the
90 19 commission and shall make available to it all information
90 20 relative to the activities of the registrar's office in
90 21 connection with voter registration policy which may be
90 22 requested by any commission member. The registrar shall also
90 23 provide to the commission at no charge statistical reports for
90 24 planning and analyzing voter registration services in the
90 25 state.

90 26 b. The commission may authorize the registrar to employ
90 27 such additional staff personnel as it deems necessary to
90 28 permit the duties of the registrar's office to be adequately
90 29 and promptly discharged. Such personnel shall be employed
90 30 pursuant to chapter 8A, subchapter IV.

90 31 Sec. 149. Section 48A.27, subsection 4, paragraph c, Code
90 32 2007, is amended to read as follows:

90 33 c. If the information provided by the vendor indicates
90 34 that a registered voter has moved to an address outside the
90 35 county, the commissioner shall make the registration record
91 1 inactive, and shall mail a notice to the registered voter at
91 2 both the former and new addresses.

91 3 (1) The notice shall be sent by forwardable mail, and
91 4 shall include a postage paid preaddressed return card on which
91 5 the registered voter may state the registered voter's current
91 6 address.

91 7 (2) The notice shall contain a statement in substantially
91 8 the following form:

91 9 PARAGRAPH DIVIDED. "Information received from the United
91 10 States postal service indicates that you are no longer a
91 11 resident of, and therefore not eligible to vote in (name of
91 12 county) County, Iowa. If this information is not correct, and
91 13 you still live in (name of county) County, please complete and
91 14 mail the attached postage paid card at least ten days before
91 15 the primary or general election and at least eleven days
91 16 before any other election at which you wish to vote. If the
91 17 information is correct and you have moved, please contact a
91 18 local official in your new area for assistance in registering
91 19 there. If you do not mail in the card, you may be required to
91 20 show identification before being allowed to vote in (name of
91 21 county) County. If you do not return the card, and you do not
91 22 vote in an election in (name of county) County, Iowa, on or
91 23 before (date of second general election following the date of
91 24 the notice) your name will be removed from the list of voters
91 25 in that county. To ensure you receive this notice, it is
91 26 being sent to both your most recent registration address and
91 27 to your new address as reported by the postal service."

91 28 Sec. 150. Section 48A.29, subsections 1 and 3, Code 2007,
91 29 are amended to read as follows:

91 30 1. If a confirmation notice and return card sent pursuant
91 31 to section 48A.28 is returned as undeliverable by the United
91 32 States postal service, the commissioner shall make the
91 33 registration record inactive and shall mail a notice to the
91 34 registered voter at the registered voter's most recent mailing
91 35 address, as shown by the registration records.

92 1 a. The notice shall be sent by forwardable mail, and shall
92 2 include a postage paid preaddressed return card on which the
92 3 registered voter may state the registered voter's current
92 4 address.

92 5 b. The notice shall contain a statement in substantially
92 6 the following form:

92 7 PARAGRAPH DIVIDED. "Information received from the United
92 8 States postal service indicates that you are no longer a
92 9 resident of (residence address) in (name of county) County,
92 10 Iowa. If this information is not correct, and you still live
92 11 in (name of county) County, please complete and mail the
92 12 attached postage paid card at least ten days before the
92 13 primary or general election and at least eleven days before
92 14 any other election at which you wish to vote. If the
92 15 information is correct, and you have moved, please contact a
92 16 local official in your new area for assistance in registering
92 17 there. If you do not mail in the card, you may be required to
92 18 show identification before being allowed to vote in (name of
92 19 county) County. If you do not return the card, and you do not
92 20 vote in some election in (name of county) County, Iowa, on or
92 21 before (date of second general election following the date of
92 22 the notice) your name will be removed from the list of voters
92 23 in that county."

92 24 3. When a detachable return card originally attached to a

92 25 confirmation notice is returned by anyone other than the
92 26 registered voter indicating that the registered voter is no
92 27 longer a resident of the registration address, the
92 28 commissioner shall make the registration record inactive, and
92 29 shall mail a notice to the registered voter at the registered
92 30 voter's most recent mailing address, as shown by the
92 31 registration records.

92 32 a. The notice shall be sent by forwardable mail, and shall
92 33 include a postage paid preaddressed return card on which the
92 34 registered voter may state the registered voter's current
92 35 address.

93 1 b. The notice shall contain a statement in substantially
93 2 the following form:

93 3 PARAGRAPH DIVIDED. "Information received by this office
93 4 indicates that you are no longer a resident of (residence
93 5 address) in (name of county) County, Iowa. If the information
93 6 is not correct, and you still live at that address, please
93 7 complete and mail the attached postage paid card at least ten
93 8 days before the primary or general election and at least
93 9 eleven days before any other election at which you wish to
93 10 vote. If the information is correct, and you have moved
93 11 within the county, you may update your registration by listing
93 12 your new address on the card and mailing it back. If you have
93 13 moved outside the county, please contact a local official in
93 14 your new area for assistance in registering there. If you do
93 15 not mail in the card, you may be required to show
93 16 identification before being allowed to vote in (name of
93 17 county) County. If you do not return the card, and you do not
93 18 vote in some election in (name of county) County, Iowa, on or
93 19 before (date of second general election following the date of
93 20 the notice) your name will be removed from the list of
93 21 registered voters in that county."

93 22 Sec. 151. Section 49.11, Code 2007, is amended to read as
93 23 follows:

93 24 49.11 NOTICE OF BOUNDARIES OF PRECINCTS == MERGER OR
93 25 DIVISION.

93 26 1. The board of supervisors or the temporary county
93 27 redistricting commission or city council shall number or name
93 28 the precincts established by the supervisors or council
93 29 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of
93 30 the precincts shall be recorded in the records of the board of
93 31 supervisors, temporary county redistricting commission, or
93 32 city council, as the case may be.

93 33 2. The board of supervisors or city council shall publish
93 34 notice of changes in the county or city precinct boundaries in
93 35 a newspaper of general circulation published in the county or
94 1 city once each week for three consecutive weeks. The series
94 2 of publications shall be made after the changes in the
94 3 precincts have been approved by the state commissioner of
94 4 elections. The last of the three publications shall be made
94 5 no later than thirty days before the next general election. A
94 6 map showing the new boundaries may be used. No publication is
94 7 necessary if no changes were made.

94 8 3. The precincts established pursuant to section 49.7
94 9 shall not be changed except in the manner provided by law.
94 10 However, for any election other than the primary or general
94 11 election or any special election held under section 69.14, the
94 12 county commissioner of elections may:

94 13 1- a. Consolidate two or more precincts into one.

94 14 (1) However, the commissioner shall not do so if there is
94 15 filed with the commissioner at least twenty days before the
94 16 election a petition signed by twenty-five or more eligible
94 17 electors of any precinct requesting that it not be merged with
94 18 any other precinct. There shall be attached to the petition
94 19 the affidavit of an eligible elector of the precinct that the
94 20 signatures on the petition are genuine and that all of the
94 21 signers are to the best of the affiant's knowledge and belief
94 22 eligible electors of the precinct.

94 23 (2) If a special election is to be held in which only
94 24 those registered voters residing in a specified portion of any
94 25 established precinct are entitled to vote, that portion of the
94 26 precinct may be merged by the commissioner with one or more
94 27 other established precincts or portions of established
94 28 precincts for the special election, and the right to petition
94 29 against merger of a precinct shall not apply.

94 30 2- b. Divide any precinct permanently established under
94 31 this section which contains all or any parts of two or more
94 32 mutually exclusive political subdivisions, either or both of
94 33 which is independently electing one or more officers or voting
94 34 on one or more questions on the same date, into two or more
94 35 temporary precincts and designate a polling place for each.

95 1 3- ~~c.~~ Notwithstanding the provisions of the first
95 2 ~~unnumbered paragraph of this section subsection 1~~ the
95 3 commissioner may consolidate precincts for any election
95 4 including a primary and general election under any of the
95 5 following circumstances:

95 6 a- (1) One of the precincts involved consists entirely of
95 7 dormitories that are closed at the time the election is held.
95 8 b- (2) The consolidated precincts, if established as a
95 9 permanent precinct, would meet all requirements of section
95 10 49.3, and a combined total of no more than three hundred fifty
95 11 voters voted in the consolidated precincts at the last
95 12 preceding similar election.

95 13 c- (3) The city council of a special charter city with a
95 14 population of three thousand five hundred or less which is
95 15 divided into council wards requests the commissioner to
95 16 consolidate two or more precincts for any election.

95 17 Sec. 152. Section 49.31, subsections 1 and 2, Code 2007,
95 18 are amended to read as follows:

95 19 1. a. All ballots shall be arranged with the names of
95 20 candidates for each office listed below the office title. For
95 21 partisan elections the name of the political party or
95 22 organization which nominated each candidate shall be listed
95 23 after or below each candidate's name.

95 24 b. The commissioner shall determine the order of political
95 25 parties and nonparty political organizations on the ballot.
95 26 The sequence shall be the same for each office on the ballot
95 27 and for each precinct in the county voting in the election.

95 28 2. a. The commissioner shall prepare a list of the
95 29 election precincts of the county, by arranging the various
95 30 townships and cities in the county in alphabetical order, and
95 31 the wards or precincts in each city or township in numerical
95 32 order under the name of such city or township.

95 33 b. The commissioner shall then arrange the surnames of
95 34 each political party's candidates for each office to which two
95 35 or more persons are to be elected at large alphabetically for
96 1 the respective offices for the first precinct on the list;
96 2 thereafter, for each political party and for each succeeding
96 3 precinct, the names appearing first for the respective offices
96 4 in the last preceding precinct shall be placed last, so that
96 5 the names that were second before the change shall be first
96 6 after the change. The commissioner may also rotate the names
96 7 of candidates of a political party in the reverse order of
96 8 that provided in this subsection or alternate the rotation so
96 9 that the candidates of different parties shall not be paired
96 10 as they proceed through the rotation. The procedure for
96 11 arrangement of names on ballots provided in this section shall
96 12 likewise be substantially followed in elections in political
96 13 subdivisions of less than a county.

96 14 c. On the general election ballot the names of candidates
96 15 for the nonpartisan offices listed in section 39.21 shall be
96 16 arranged by drawing lots for position. The commissioner shall
96 17 hold the drawing on the first business day following the
96 18 deadline for filing of nomination certificates or petitions
96 19 with the commissioner for the general election pursuant to
96 20 section 44.4. If a candidate withdraws, dies, or is removed
96 21 from the ballot after the ballot position of names has been
96 22 determined, such candidate's name shall be removed from the
96 23 ballot, and the order of the remaining names shall not be
96 24 changed.

96 25 Sec. 153. Section 49.37, subsection 1, Code 2007, is
96 26 amended to read as follows:

96 27 1. For general elections, and for other elections in which
96 28 more than one partisan office will be filled, the first
96 29 section of the ballot shall be for straight party voting.

96 30 a. Each political party or organization which has
96 31 nominated candidates for more than one office shall be listed.
96 32 Instructions to the voter for straight party or organization
96 33 voting shall be in substantially the following form:

96 34 PARAGRAPH DIVIDED. "To vote for all candidates from a
96 35 single party or organization, mark the voting target next to
97 1 the party or organization name. Not all parties or
97 2 organizations have nominated candidates for all offices.
97 3 Marking a straight party or organization vote does not include
97 4 votes for nonpartisan offices, judges, or questions."

97 5 b. Political parties and nonparty political organizations
97 6 which have nominated candidates for only one office shall be
97 7 listed below the other political organizations under the
97 8 following heading:

97 9 PARAGRAPH DIVIDED. "Other Political Organizations. The
97 10 following organizations have nominated candidates for only one
97 11 office:".

97 12 c. Offices shall be arranged in groups. Partisan offices,
97 13 nonpartisan offices, judges, and public measures shall be
97 14 separated by a distinct line appearing on the ballot.
97 15 Sec. 154. Section 49.77, subsections 1 and 3, Code
97 16 Supplement 2007, are amended to read as follows:
97 17 1. The board members of their respective precincts shall
97 18 have charge of the ballots and furnish them to the voters.
97 19 a. Any person desiring to vote shall sign a voter's
97 20 declaration provided by the officials, in substantially the
97 21 following form:

VOTER'S DECLARATION OF ELIGIBILITY

97 23 I do solemnly swear or affirm that I am a resident of the
97 24 precinct, ward or township, city of, county
97 25 of, Iowa.

97 26 I am a registered voter. I have not voted and will not
97 27 vote in any other precinct in said election.

97 28 I understand that any false statement in this declaration
97 29 is a criminal offense punishable as provided by law.

97 30
97 31 Signature of Voter
97 32
97 33 Address
97 34
97 35 Telephone

98 1 Approved:

98 2

98 3 Board Member

98 4 b. At the discretion of the commissioner, this declaration
98 5 may be printed on each page of the election register and the
98 6 voter shall sign the election register next to the voter's
98 7 printed name. The voter's signature in the election register
98 8 shall be considered the voter's signed declaration of
98 9 eligibility affidavit. The state commissioner of elections
98 10 shall prescribe by rule an alternate method for providing the
98 11 information in subsection 2 for those counties where the
98 12 declaration of eligibility is printed in the election
98 13 register. The state voter registration system shall be
98 14 designed to allow for the affidavit to be printed on each page
98 15 of the election register and to allow sufficient space for the
98 16 voter's signature.

98 17 3. a. A precinct election official shall require any
98 18 person whose name does not appear on the election register as
98 19 an active voter to show identification. Specific documents
98 20 which are acceptable forms of identification shall be
98 21 prescribed by the state commissioner.

98 22 b. A precinct election official may require of the voter
98 23 unknown to the official, identification upon which the voter's
98 24 signature or mark appears. If identification is established
98 25 to the satisfaction of the precinct election officials, the
98 26 person may then be allowed to vote.

98 27 Sec. 155. Section 50.48, subsections 1 through 4, Code
98 28 Supplement 2007, are amended to read as follows:

98 29 1. a. The county board of canvassers shall order a
98 30 recount of the votes cast for a particular office or
98 31 nomination in one or more specified election precincts in that
98 32 county if a written request therefor is made not later than
98 33 ~~five o'clock~~ 5:00 p.m. on the third day following the county
98 34 board's canvass of the election in question. The request
98 35 shall be filed with the commissioner of that county, or with
99 1 the commissioner responsible for conducting the election if
99 2 section 47.2, subsection 2 is applicable, and shall be signed
99 3 by either of the following:

99 4 a. (1) A candidate for that office or nomination whose
99 5 name was printed on the ballot of the precinct or precincts
99 6 where the recount is requested.

99 7 b. (2) Any other person who receives votes for that
99 8 particular office or nomination in the precinct or precincts
99 9 where the recount is requested and who is legally qualified to
99 10 seek and to hold the office in question.

99 11 b. Immediately upon receipt of a request for a recount,
99 12 the commissioner shall send a copy of the request to the
99 13 apparent winner by certified mail. The commissioner shall
99 14 also attempt to contact the apparent winner by telephone. If
99 15 the apparent winner cannot be reached within four days, the
99 16 chairperson of the political party or organization which
99 17 nominated the apparent winner shall be contacted and shall act
99 18 on behalf of the apparent winner, if necessary. For
99 19 candidates for state or federal offices, the chairperson of
99 20 the state party shall be contacted. For candidates for county
99 21 offices, the county chairperson of the party shall be
99 22 contacted.

99 23 2. a. The candidate requesting a recount under this
99 24 section shall post a bond, unless the abstracts prepared
99 25 pursuant to section 50.24, or section 43.49 in the case of a
99 26 primary election, indicate that the difference between the
99 27 total number of votes cast for the apparent winner and the
99 28 total number of votes cast for the candidate requesting the
99 29 recount is less than the greater of fifty votes or one percent
99 30 of the total number of votes cast for the office or nomination
99 31 in question. If a recount is requested for an office to which
99 32 more than one person was elected, the vote difference
99 33 calculations shall be made using the difference between the
99 34 number of votes received by the person requesting the recount
99 35 and the number of votes received by the apparent winner who
100 1 received the fewest votes. Where votes cast for that office
100 2 or nomination were canvassed in more than one county, the
100 3 abstracts prepared by the county boards in all of those
100 4 counties shall be totaled for purposes of this subsection. If
100 5 a bond is required, it shall be filed with the state
100 6 commissioner for recounts involving a state office, including
100 7 a seat in the general assembly, or a seat in the United States
100 8 Congress, and with the commissioner responsible for conducting
100 9 the election in all other cases, and shall be in the following
100 10 amount:

100 11 ~~a.~~ (1) For an office filled by the electors of the entire
100 12 state, one thousand dollars.
100 13 ~~b.~~ (2) For United States representative, five hundred
100 14 dollars.
100 15 ~~c.~~ (3) For senator in the general assembly, three hundred
100 16 dollars.
100 17 ~~d.~~ (4) For representative in the general assembly, one
100 18 hundred fifty dollars.
100 19 ~~e.~~ (5) For an office filled by the electors of an entire
100 20 county having a population of fifty thousand or more, two
100 21 hundred dollars.
100 22 ~~f.~~ (6) For any elective office to which ~~paragraphs "a" to~~
~~100 23 "e" of this subsection subparagraphs (1) to (5) are not~~
100 24 applicable, one hundred dollars.

100 25 b. After all recount proceedings for a particular office
100 26 are completed and the official canvass of votes cast for that
100 27 office is corrected or completed pursuant to subsections 5 and
100 28 6, if necessary, any bond posted under this subsection shall
100 29 be returned to the candidate who requested the recount if the
100 30 apparent winner before the recount is not the winner as shown
100 31 by the corrected or completed canvass. In all other cases,
100 32 the bond shall be deposited in the general fund of the state
100 33 if filed with the state commissioner or in the election fund
100 34 of the county with whose commissioner it was filed.

100 35 3. a. The recount shall be conducted by a board which
101 1 shall consist of:

101 2 ~~a.~~ (1) A designee of the candidate requesting the
101 3 recount, who shall be named in the written request when it is
101 4 filed.
101 5 ~~b.~~ (2) A designee of the apparent winning candidate, who
101 6 shall be named by that candidate at or before the time the
101 7 board is required to convene.
101 8 ~~c.~~ (3) A person chosen jointly by the members designated
101 9 under ~~paragraphs "a" and "b" of this subsection subparagraphs~~
~~101 10 (1) and (2).~~

101 11 b. The commissioner shall convene the persons designated
101 12 under ~~paragraphs paragraph "a" and "b" of this subsection,~~
~~101 13 subparagraphs (1) and (2), not later than nine o'clock 9:00~~
101 14 a.m. on the seventh day following the county board's canvass
101 15 of the election in question. If those two members cannot
101 16 agree on the third member by ~~eight o'clock 8:00~~ a.m. on the
101 17 ninth day following the canvass, they shall immediately so
101 18 notify the chief judge of the judicial district in which the
101 19 canvass is occurring, who shall appoint the third member not
101 20 later than ~~five o'clock 5:00~~ p.m. on the eleventh day
101 21 following the canvass.

101 22 4. a. When all members of the recount board have been
101 23 selected, the board shall undertake and complete the required
101 24 recount as expeditiously as reasonably possible. The
101 25 commissioner or the commissioner's designee shall supervise
101 26 the handling of ballots or voting machine documents to ensure
101 27 that the ballots and other documents are protected from
101 28 alteration or damage. The board shall open only the sealed
101 29 ballot containers from the precincts specified to be recounted
101 30 in the request or by the recount board. The board shall
101 31 recount only the ballots which were voted and counted for the
101 32 office in question, including any disputed ballots returned as
101 33 required in section 50.5. If an electronic tabulating system

101 34 was used to count the ballots, the recount board may request
101 35 the commissioner to retabulate the ballots using the
102 1 electronic tabulating system. The same program used for
102 2 tabulating the votes on election day shall be used at the
102 3 recount unless the program is believed or known to be flawed.
102 4 If a voting machine was used, the paper record required in
102 5 section 52.7, subsection 2, shall be the official record used
102 6 in the recount. However, if the commissioner believes or
102 7 knows that the paper records produced from a machine have been
102 8 compromised due to damage, mischief, malfunction, or other
102 9 cause, the printed ballot images produced from the internal
102 10 audit log for that machine shall be the official record used
102 11 in the recount.

102 12 b. Any member of the recount board may at any time during
102 13 the recount proceedings extend the recount of votes cast for
102 14 the office or nomination in question to any other precinct or
102 15 precincts in the same county, or from which the returns were
102 16 reported to the commissioner responsible for conducting the
102 17 election, without the necessity of posting additional bond.

102 18 c. The ballots or voting machine documents shall be
102 19 resealed by the recount board before adjournment and shall be
102 20 preserved as required by section 50.12. At the conclusion of
102 21 the recount, the recount board shall make and file with the
102 22 commissioner a written report of its findings, which shall be
102 23 signed by at least two members of the recount board. The
102 24 recount board shall complete the recount and file its report
102 25 not later than the eighteenth day following the county board's
102 26 canvass of the election in question.

102 27 Sec. 156. Section 50.49, Code 2007, is amended to read as
102 28 follows:

102 29 50.49 RECOUNTS FOR PUBLIC MEASURES.

102 30 1. A recount for any public measure shall be ordered by
102 31 the board of canvassers if a petition requesting a recount is
102 32 filed with the county commissioner not later than three days
102 33 after the completion of the canvass of votes for the election
102 34 at which the question appeared on the ballot. The petition
102 35 shall be signed by the greater of not less than ten eligible
103 1 electors or a number of eligible electors equaling one percent
103 2 of the total number of votes cast upon the public measure.
103 3 Each petitioner must be a person who was entitled to vote on
103 4 the public measure in question or would have been so entitled
103 5 if registered to vote.

103 6 2. The recount shall be conducted by a board which shall
103 7 consist of:

103 8 1- a. A designee named in the petition requesting the
103 9 recount.

103 10 2- b. A designee named by the commissioner at or before
103 11 the time the board is required to convene.

103 12 3- c. A person chosen jointly by the members designated
103 13 under ~~subsections 1 and 2~~ paragraphs "a" and "b".

103 14 3. The commissioner shall convene the persons designated
103 15 under ~~subsections 1 and 2~~ paragraph 2, paragraphs "a" and "b",
103 16 not later than ~~nine 9:00~~ a.m. on the seventh day following the
103 17 canvass of the election in question. If those two members
103 18 cannot agree on the third member by ~~eight 8:00~~ a.m. on the
103 19 ninth day following the canvass, they shall immediately notify
103 20 the chief judge of the judicial district in which the canvass
103 21 is occurring, who shall appoint the third member not later
103 22 than ~~five 5:00~~ p.m. on the eleventh day following the canvass.

103 23 4. The petitioners requesting the recount shall post a
103 24 bond as required by section 50.48, subsection 2. The amount
103 25 of the bond shall be one thousand dollars for a public measure
103 26 appearing on the ballot statewide or one hundred dollars for
103 27 any other public measure. If the difference between the
103 28 affirmative and negative votes cast on the public measure is
103 29 less than the greater of fifty votes or one percent of the
103 30 total number of votes cast for and against the question, a
103 31 bond is not required. If approval by sixty percent of the
103 32 votes cast is required for adoption of the public measure, no
103 33 bond is required if the difference between sixty percent of
103 34 the total votes cast for and against the question and the
103 35 number of votes cast for the losing side is less than the
104 1 greater of fifty votes or one percent of the total number of
104 2 votes cast.

104 3 5. The procedure for the recount shall follow the
104 4 provisions of section 50.48, subsections 4 through 7, as far
104 5 as possible.

104 6 Sec. 157. Section 52.9, subsections 2 and 3, Code
104 7 Supplement 2007, are amended to read as follows:

104 8 2. It shall be the duty of the commissioner or the
104 9 commissioner's duly authorized agents to examine and test the

104 10 voting machines to be used at any election, after the machines
 104 11 have been prepared for the election and not less than twelve
 104 12 hours before the opening of the polls on the morning of the
 104 13 election. For any election to fill a partisan office, the
 104 14 county chairperson of each political party referred to in
 104 15 section 49.13 shall be notified in writing of the date, time,
 104 16 and place the machines shall be examined and tested so that
 104 17 they may be present, or have a representative present. For
 104 18 every election, the commissioner shall publish notice of the
 104 19 date, time, and place the examination and testing will be
 104 20 conducted. The commissioner may include such notice in the
 104 21 notice of the election published pursuant to section 49.53.
 104 22 3. Those present for the examination and testing shall
 104 23 sign a certificate which shall read substantially as follows:
 104 24 The Undersigned Hereby Certify that, having duly qualified,
 104 25 we were present and witnessed the testing and preparation of
 104 26 the following voting machines; that we believe the same to be
 104 27 in proper condition for use in the election of (date);
 104 28 that each registering counter of the machine is set at 000;
 104 29 that the public counter is set at 000; that the seal numbers
 104 30 and the protective counter numbers are as indicated below.
 104 31 Signed:
 104 32
 104 33 Republican (if applicable)
 104 34
 104 35 Democrat (if applicable)
 105 1
 105 2
 105 3 Voting machine custodian
 105 4 Dated
 105 5 Machine Protective Seal
 105 6 Number Counter Number
 105 7
 105 8
 105 9
 105 10
 105 11
 105 12 ~~3.~~ 4. On those voting machines presently equipped with an
 105 13 after-election latch and on all machines placed in use after
 105 14 January 1, 1961, in this state, the after-election latch shall
 105 15 be fully used by the election officials.
 105 16 Sec. 158. Section 52.37, subsection 1, Code Supplement
 105 17 2007, is amended to read as follows:
 105 18 1. a. If any ballot is found damaged or defective, so
 105 19 that it cannot be counted properly by the automatic tabulating
 105 20 equipment, a true duplicate shall be made by the resolution
 105 21 board team and substituted for the damaged or defective
 105 22 ballot, or, as an alternative, the valid votes on a defective
 105 23 ballot may be manually counted by the special precinct
 105 24 election board, whichever method is best suited to the system
 105 25 being used. All duplicate ballots shall be clearly labeled as
 105 26 such, and shall bear a serial number which shall also be
 105 27 recorded on the damaged or defective ballot.
 105 28 b. The special precinct election board shall also tabulate
 105 29 any write-in votes which were cast. Write-in votes cast for a
 105 30 candidate whose name appears on the ballot for the same office
 105 31 shall be counted as a vote for the candidate indicated, if the
 105 32 vote is otherwise properly cast.
 105 33 c. Ballots which are rejected by the tabulating equipment
 105 34 as blank because they have been marked with an unreadable
 105 35 marker shall be duplicated or tabulated as required by this
 106 1 subsection for damaged or defective ballots. The commissioner
 106 2 may instruct the special precinct election board to mark over
 106 3 voters' unreadable marks using a marker compatible with the
 106 4 tabulating equipment. The special precinct election board
 106 5 shall take care to leave part of the original mark made by the
 106 6 voter. If it is impossible to mark over the original marks
 106 7 made by the voter without completely obliterating them, the
 106 8 ballot shall be duplicated.
 106 9 Sec. 159. Section 53.2, subsection 2, Code Supplement
 106 10 2007, is amended to read as follows:
 106 11 2. The state commissioner shall prescribe a form for
 106 12 absentee ballot applications.
 106 13 a. Absentee ballot applications may include instructions
 106 14 to send the application directly to the county commissioner of
 106 15 elections. However, no absentee ballot application shall be
 106 16 preaddressed or printed with instructions to send the
 106 17 applications to anyone other than the appropriate
 106 18 commissioner.
 106 19 b. No absentee ballot application shall be preaddressed or
 106 20 printed with instructions to send the ballot to anyone other

106 21 than the voter.

106 22 Sec. 160. Section 64.24, Code 2007, is amended to read as
106 23 follows:

106 24 64.24 RECORDING.

106 25 1. a. The secretary of state, each county auditor,
106 26 district court clerk, and each auditor or clerk of a city
106 27 shall keep a book, to be known as the "Record of Official
106 28 Bonds", and all official bonds shall be recorded therein in
106 29 full as follows:

106 30 ~~1.~~ (1) In the record kept by the secretary of state, the
106 31 official bonds of all state officers, elective or appointive,
106 32 except the bonds of notaries public.

106 33 ~~2.~~ (2) In the record kept by the county auditor, the
106 34 official bonds of all county officers, elective or appointive,
106 35 and township clerks.

107 1 ~~3.~~ (3) In the record kept by the city auditor or clerk,
107 2 the official bonds of all city officers, elective or
107 3 appointive.

107 4 ~~4.~~ (4) In the record kept by the district court clerk,
107 5 the official bonds of judicial magistrates.

107 6 b. The records shall have an index which, under the title
107 7 of each office, shall show the name of each principal and the
107 8 date of the filing of the bond.

107 9 2. A bond when recorded shall be returned to the officer
107 10 charged with the custody thereof.

107 11 Sec. 161. Section 68A.402, subsection 2, paragraph b, Code
107 12 Supplement 2007, is amended to read as follows:

107 13 b. SUPPLEMENTARY REPORT == STATEWIDE AND GENERAL ASSEMBLY
107 14 ELECTIONS.

107 15 (1) A candidate's committee of a candidate for statewide
107 16 office or the general assembly shall file a supplementary
107 17 report in a year in which a primary, general, or special
107 18 election for that office is held. The supplementary reports
107 19 shall be filed if contributions are received after the close
107 20 of the period covered by the last report filed prior to that
107 21 primary, general, or special election if any of the following
107 22 applies:

107 23 ~~(1)~~ (a) The committee of a candidate for governor
107 24 receives ten thousand dollars or more.

107 25 ~~(2)~~ (b) The committee of a candidate for any other
107 26 statewide office receives five thousand dollars or more.

107 27 ~~(3)~~ (c) The committee of a candidate for the general
107 28 assembly receives one thousand dollars or more.

107 29 (2) The amount of any contribution causing a supplementary
107 30 report under this paragraph "b" shall include the estimated
107 31 fair market value of any in-kind contribution. The report
107 32 shall be filed by the Friday immediately preceding the
107 33 election and be current through the Tuesday immediately
107 34 preceding the election.

107 35 Sec. 162. Section 68A.406, subsection 2, Code Supplement
108 1 2007, is amended to read as follows:

108 2 2. a. Campaign signs shall not be placed on any of the
108 3 following:

108 4 ~~a.~~ (1) Any property owned by the state or the governing
108 5 body of a county, city, or other political subdivision of the
108 6 state, including all property considered the public
108 7 right-of-way. Upon a determination by the board that a sign
108 8 has been improperly placed, the sign shall be removed by
108 9 highway authorities as provided in section 318.5, or by county
108 10 or city law enforcement authorities in a manner consistent
108 11 with section 318.5.

108 12 ~~b.~~ (2) Property owned by a prohibited contributor under
108 13 section 68A.503 unless the sign advocates the passage or
108 14 defeat of a ballot issue or is exempted under subsection 1.

108 15 ~~c.~~ (3) On any property without the permission of the
108 16 property owner.

108 17 ~~d.~~ (4) On election day either on the premises of any
108 18 polling place or within three hundred feet of any outside door
108 19 of any building affording access to any room where the polls
108 20 are held, or of any outside door of any building affording
108 21 access to any hallway, corridor, stairway, or other means of
108 22 reaching the room where the polls are held.

108 23 ~~e.~~ (5) Within three hundred feet of an absentee voting
108 24 site during the hours when absentee ballots are available in
108 25 the office of the county commissioner of elections as provided
108 26 in section 53.10.

108 27 ~~f.~~ (6) Within three hundred feet of a satellite absentee
108 28 voting station during the hours when absentee ballots are
108 29 available at the satellite absentee voting station as provided
108 30 in section 53.11.

108 31 b. Paragraphs "d", "e", and "f" Paragraph "a".

108 32 subparagraphs (4), (5), and (6) shall not apply to the posting
108 33 of signs on private property not a polling place, except that
108 34 the placement of a sign on a motor vehicle, trailer, or
108 35 semitrailer, or any attachment to a motor vehicle, trailer, or
109 1 semitrailer parked on public property within three hundred
109 2 feet of a polling place, which sign is more than ninety square
109 3 inches in size, is prohibited.

109 4 Sec. 163. Section 69.8, subsection 5, Code 2007, is
109 5 amended to read as follows:

109 6 5. ELECTED TOWNSHIP OFFICES.

109 7 a. When a vacancy occurs in the office of township clerk
109 8 or township trustee, the vacancy shall be filled by
109 9 appointment by the trustees. All appointments to fill
109 10 vacancies in township offices shall be until a successor is
109 11 elected at the next general election and qualifies by taking
109 12 the oath of office. If the term of office in which the
109 13 vacancy exists will expire within seventy days after the next
109 14 general election, the person elected to the office for the
109 15 succeeding term shall qualify by taking the oath of office
109 16 within ten days after the election and shall serve for the
109 17 remainder of the unexpired term, as well as for the next
109 18 four-year term.

109 19 b. However, if the offices of two trustees are vacant the
109 20 county board of supervisors shall fill the vacancies by
109 21 appointment. If the offices of three trustees are vacant the
109 22 board may fill the vacancies by appointment, or the board may
109 23 adopt a resolution stating that the board will exercise all
109 24 powers and duties assigned by law to the trustees of the
109 25 township in which the vacancies exist until the vacancies are
109 26 filled at the next general election. If a township office
109 27 vacancy is not filled by the trustees within thirty days after
109 28 the vacancy occurs, the board of supervisors may appoint a
109 29 successor to fill the vacancy until the vacancy can be filled
109 30 at the next general election.

109 31 Sec. 164. Section 69.14A, subsections 1 and 2, Code 2007,
109 32 are amended to read as follows:

109 33 1. A vacancy on the board of supervisors shall be filled
109 34 by one of the following procedures:

109 35 a. By appointment by the committee of county officers
110 1 designated to fill the vacancy in section 69.8.

110 2 (1) The appointment shall be for the period until the next
110 3 pending election as defined in section 69.12, and shall be
110 4 made within forty days after the vacancy occurs. If the
110 5 committee of county officers designated to fill the vacancy
110 6 chooses to proceed under this paragraph, the committee shall
110 7 publish notice in the manner prescribed by section 331.305
110 8 stating that the committee intends to fill the vacancy by
110 9 appointment but that the electors of the district or county,
110 10 as the case may be, have the right to file a petition
110 11 requiring that the vacancy be filled by special election. The
110 12 committee may publish notice in advance if an elected official
110 13 submits a resignation to take effect at a future date. The
110 14 committee may make an appointment to fill the vacancy after
110 15 the notice is published or after the vacancy occurs, whichever
110 16 is later. A person appointed to an office under this
110 17 subsection shall have actually resided in the county which the
110 18 appointee represents sixty days prior to appointment.

110 19 (2) However, if within fourteen days after publication of
110 20 the notice or within fourteen days after the appointment is
110 21 made, a petition is filed with the county auditor requesting a
110 22 special election to fill the vacancy, the appointment is
110 23 temporary and a special election shall be called as provided
110 24 in paragraph "b". The petition shall meet the requirements of
110 25 section 331.306, except that in counties where supervisors are
110 26 elected under plan "three", the number of signatures
110 27 calculated according to the formula in section 331.306 shall
110 28 be divided by the number of supervisor districts in the
110 29 county.

110 30 b. By special election held to fill the office for the
110 31 remaining balance of the unexpired term.

110 32 (1) The committee of county officers designated to fill
110 33 the vacancy in section 69.8 may, on its own motion, or shall,
110 34 upon receipt of a petition as provided in paragraph "a", call
110 35 for a special election to fill the vacancy in lieu of
111 1 appointment. The committee shall order the special election
111 2 at the earliest practicable date, but giving at least
111 3 thirty-two days' notice of the election. A special election
111 4 called under this section shall be held on a Tuesday and shall
111 5 not be held on the same day as a school election within the
111 6 county.

111 7 (2) However, if a vacancy on the board of supervisors

111 8 occurs after the date of the primary election and more than
111 9 seventy=three days before the general election, a special
111 10 election to fill the vacancy shall not be called by the
111 11 committee or by petition. If the term of office in which the
111 12 vacancy exists will expire more than seventy days after the
111 13 general election, the office shall be listed on the ballot, as
111 14 "For Board of Supervisors, To Fill Vacancy". The person
111 15 elected at the general election shall assume office as soon as
111 16 a certificate of election is issued and the person has
111 17 qualified by taking the oath of office. The person shall
111 18 serve the balance of the unexpired term.

111 19 (3) If the term of office in which the vacancy exists will
111 20 expire within seventy days after the general election, the
111 21 person elected to the succeeding term shall also serve the
111 22 balance of the unexpired term. The person elected at the
111 23 general election shall assume office as soon as a certificate
111 24 of election is issued and the person has qualified by taking
111 25 the oath of office.

111 26 c. For a vacancy declared by the board pursuant to section
111 27 331.214, subsection 2, by special election held to fill the
111 28 office if the remaining balance of the unexpired term is two
111 29 and one-half years or more. The committee of county officers
111 30 designated to fill the vacancy in section 69.8 shall order the
111 31 special election at the earliest practicable date, but giving
111 32 at least thirty=two days' notice of the election. A special
111 33 election called under this section shall be held on a Tuesday
111 34 and shall not be held on the same day as a school election
111 35 within the county. The office shall be listed on the ballot,
112 1 as "For Board of Supervisors, To Fill Vacancy". The person
112 2 elected at the special election shall serve the balance of the
112 3 unexpired term.

112 4 2. A vacancy in any of the offices listed in section 39.17
112 5 shall be filled by one of the two following procedures:

112 6 a. By appointment by the board of supervisors.

112 7 (1) The appointment shall be for the period until the next
112 8 pending election as defined in section 69.12, and shall be
112 9 made within forty days after the vacancy occurs. If the board
112 10 of supervisors chooses to proceed under this paragraph, the
112 11 board shall publish notice in the manner prescribed by section
112 12 331.305 stating that the board intends to fill the vacancy by
112 13 appointment but that the electors of the county have the right
112 14 to file a petition requiring that the vacancy be filled by
112 15 special election. The board may publish notice in advance if
112 16 an elected official submits a resignation to take effect at a
112 17 future date. The board may make an appointment to fill the
112 18 vacancy after the notice is published or after the vacancy
112 19 occurs, whichever is later. A person appointed to an office
112 20 under this subsection, except for a county attorney, shall
112 21 have actually resided in the county which the appointee
112 22 represents sixty days prior to appointment. A person
112 23 appointed to the office of county attorney shall be a resident
112 24 of the county at the time of appointment.

112 25 (2) However, if within fourteen days after publication of
112 26 the notice or within fourteen days after the appointment is
112 27 made, a petition is filed with the county auditor requesting a
112 28 special election to fill the vacancy, the appointment is
112 29 temporary and a special election shall be called as provided
112 30 in paragraph "b". The petition shall meet the requirements of
112 31 section 331.306.

112 32 b. By special election held to fill the office for the
112 33 remaining balance of the unexpired term.

112 34 (1) The board of supervisors may, on its own motion, or
112 35 shall, upon receipt of a petition as provided in paragraph
113 1 "a", call for a special election to fill the vacancy in lieu
113 2 of appointment. The supervisors shall order the special
113 3 election at the earliest practicable date, but giving at least
113 4 thirty=two days' notice of the election. A special election
113 5 called under this section shall be held on a Tuesday and shall
113 6 not be held on the same day as a school election within the
113 7 county.

113 8 (2) If a vacancy in an elective county office occurs after
113 9 the date of the primary election and more than seventy=three
113 10 days before the general election, a special election to fill
113 11 the vacancy shall not be called by the board of supervisors or
113 12 by petition. If the term of office in which the vacancy
113 13 exists will expire more than seventy days after the general
113 14 election, the office shall be listed on the ballot with the
113 15 name of the office and the additional description, "To Fill
113 16 Vacancy". The person elected at the general election shall
113 17 assume office as soon as a certificate of election is issued
113 18 and the person has qualified by taking the oath of office.

113 19 The person shall serve the balance of the unexpired term.
113 20 (3) If the term of office in which the vacancy exists will
113 21 expire within seventy days after the general election, the
113 22 person elected to the succeeding term shall also serve the
113 23 balance of the unexpired term. The person elected at the
113 24 general election shall assume office as soon as a certificate
113 25 of election is issued and the person has qualified by taking
113 26 the oath of office.

113 27 Sec. 165. Section 73.2, subsection 1, Code 2007, is
113 28 amended to read as follows:

113 29 1. a. All requests hereafter made for bids and proposals
113 30 for materials, products, supplies, provisions, and other
113 31 needed articles to be purchased at public expense, shall be
113 32 made in general terms and by general specifications and not by
113 33 brand, trade name, or other individual mark.

113 34 b. All such requests and bids shall contain a paragraph in
113 35 easily legible print, reading as follows:

114 1 By "By virtue of statutory authority, a preference will be
114 2 given to products and provisions grown and coal produced
114 3 within the state of Iowa."

114 4 Sec. 166. Section 73.16, subsection 2, Code Supplement
114 5 2007, is amended to read as follows:

114 6 2. a. Prior to the commencement of a fiscal year, the
114 7 director of each agency or department of state government
114 8 having purchasing authority, in cooperation with the targeted
114 9 small business marketing and compliance manager of the
114 10 department of economic development, shall establish for that
114 11 fiscal year a procurement goal from certified targeted small
114 12 businesses identified pursuant to section 10A.104, subsection
114 13 8.

114 14 (1) The procurement goal shall include the procurement of
114 15 all goods and services, including construction, but not
114 16 including utility services.

114 17 (2) A procurement goal shall be stated in terms of a
114 18 dollar amount of certified purchases and shall be established
114 19 at a level that exceeds the procurement levels from certified
114 20 targeted small businesses during the previous fiscal year.

114 21 b. The director of an agency or department of state
114 22 government that has established a procurement goal as required
114 23 under this subsection shall provide a report within fifteen
114 24 business days following the end of each calendar quarter to
114 25 the targeted small business marketing and compliance manager
114 26 of the department of economic development, providing the total
114 27 dollar amount of certified purchases from certified targeted
114 28 small businesses during the previous calendar quarter. The
114 29 required report shall be made in a form approved by the
114 30 targeted small business marketing and compliance manager. The
114 31 first quarterly report shall be for the calendar quarter
114 32 ending September 30, 2007.

114 33 c. (1) The director of each department and agency of
114 34 state government shall cooperate with the director of the
114 35 department of inspections and appeals, the director of the
115 1 department of economic development, and the director of the
115 2 department of management and do all acts necessary to carry
115 3 out the provisions of this division.

115 4 (2) The director of each agency or department of state
115 5 government having purchasing authority shall issue electronic
115 6 bid notices for distribution to the targeted small business
115 7 web page located at the department of economic development if
115 8 the director releases a solicitation for bids for procurement
115 9 of equipment, supplies, or services. The notices shall be
115 10 provided to the targeted small business marketing manager
115 11 forty-eight hours prior to the issuance of all bid notices.
115 12 The notices shall contain a description of the subject of the
115 13 bid, a point of contact for the bid, and any subcontract goals
115 14 included in the bid.

115 15 (3) A community college, area education agency, or school
115 16 district shall establish a procurement goal from certified
115 17 targeted small businesses, identified pursuant to section
115 18 10A.104, subsection 8, of at least ten percent of the value of
115 19 anticipated procurements of goods and services including
115 20 construction, but not including utility services, each fiscal
115 21 year.

115 22 d. Of the total value of anticipated procurements of goods
115 23 and services under this subsection, an additional goal shall
115 24 be established to procure at least forty percent from
115 25 minority-owned businesses, and forty percent from female-owned
115 26 businesses.

115 27 Sec. 167. Section 74A.3, Code 2007, is amended to read as
115 28 follows:

115 29 74A.3 INTEREST RATES FOR PUBLIC OBLIGATIONS.

115 30 1. Except as otherwise provided by law, the rates of
115 31 interest on obligations issued by this state, or by a county,
115 32 school district, city, special improvement district, or any
115 33 other governmental body or agency are as follows:
115 34 ~~1-~~ a. General obligation bonds, warrants, or other
115 35 evidences of indebtedness which are payable from general
116 1 taxation or from the state's sinking fund for public deposits
116 2 may bear interest at a rate to be set by the issuing
116 3 governmental body or agency.
116 4 ~~2-~~ b. Revenue bonds, warrants, pledge orders or other
116 5 obligations, the principal and interest of which are to be
116 6 paid solely from the revenue derived from the operations of
116 7 the publicly owned enterprise or utility for which the bonds
116 8 or obligations are issued, may bear interest at a rate to be
116 9 set by the issuing governmental body or agency.
116 10 ~~3-~~ c. Special assessment bonds, certificates, warrants or
116 11 other obligations, the principal and interest of which are
116 12 payable from special assessments levied against benefited
116 13 property may bear interest at a rate to be set by the issuing
116 14 governmental body or agency.
116 15 2. The interest rates authorized by this section to be set
116 16 by the issuing governmental body or agency shall be set in
116 17 each instance by the governing body which, in accordance with
116 18 applicable provisions of law then in effect, authorizes the
116 19 issuance of the bonds, warrants, pledge orders, certificates,
116 20 obligations, or other evidences of indebtedness.

116 21 Sec. 168. Section 80.8, Code 2007, is amended to read as
116 22 follows:

116 23 80.8 EMPLOYEES AND PEACE OFFICERS == SALARIES AND
116 24 COMPENSATION.

116 25 1. The commissioner shall employ personnel as may be
116 26 required to properly discharge the duties of the department.

116 27 2. The commissioner may delegate to the peace officers of
116 28 the department such additional duties in the enforcement of
116 29 this chapter as the commissioner may deem proper and
116 30 incidental to the duties now imposed upon them by law.

116 31 3. a. The salaries of peace officers and employees of the
116 32 department and the expenses of the department shall be
116 33 provided for by a legislative appropriation. The compensation
116 34 of peace officers of the department shall be fixed according
116 35 to grades as to rank and length of service by the commissioner
117 1 with the approval of the department of administrative
117 2 services, unless covered by a collective bargaining agreement
117 3 that provides otherwise.

117 4 b. The peace officers shall be paid additional
117 5 compensation in accordance with the following formula: When
117 6 peace officers have served for a period of five years, their
117 7 compensation then being paid shall be increased by the sum of
117 8 twenty-five dollars per month beginning with the month
117 9 succeeding the foregoing described five-year period; when
117 10 peace officers have served for a period of ten years, their
117 11 compensation then being paid shall be increased by the sum of
117 12 twenty-five dollars per month beginning with the month
117 13 succeeding the foregoing described ten-year period, such sums
117 14 being in addition to the increase provided herein to be paid
117 15 after five years of service; when peace officers have served
117 16 for a period of fifteen years, their compensation then being
117 17 paid shall be increased by the sum of twenty-five dollars per
117 18 month beginning with the month succeeding the foregoing
117 19 described fifteen-year period, such sums being in addition to
117 20 the increases previously provided for herein; when peace
117 21 officers have served for a period of twenty years, their
117 22 compensation then being paid shall be increased by the sum of
117 23 twenty-five dollars per month beginning with the month
117 24 succeeding the foregoing described twenty-year period, such
117 25 sums being in addition to the increases previously provided
117 26 for herein.

117 27 c. While on active duty, each peace officer shall also
117 28 receive a flat daily sum as fixed by the commissioner for
117 29 meals unless the amount of the flat daily sum is covered by a
117 30 collective bargaining agreement that provides otherwise.

117 31 d. A collective bargaining agreement entered into between
117 32 the state and a state employee organization under chapter 20
117 33 made final after July 1, 1977, shall not include any pay
117 34 adjustment to longevity pay authorized under this section.

117 35 e. Peace officers of the department excluded from the
118 1 provisions of chapter 20 who are injured in the line of duty
118 2 shall receive paid time off in the same manner as provided to
118 3 peace officers of the department covered by a collective
118 4 bargaining agreement entered into between the state and the
118 5 employee organization representing such covered peace officers

118 6 under chapter 20.
118 7 Sec. 169. Section 80E.2, Code 2007, is amended to read as
118 8 follows:
118 9 80E.2 DRUG POLICY ADVISORY COUNCIL == MEMBERSHIP ==
118 10 DUTIES.
118 11 1. An Iowa drug policy advisory council is established
118 12 which shall consist of the following fifteen members:
118 13 a. The drug policy coordinator, who shall serve as
118 14 chairperson of the council.
118 15 b. The director of the department of corrections, or the
118 16 director's designee.
118 17 c. The director of the department of education, or the
118 18 director's designee.
118 19 d. The director of the Iowa department of public health,
118 20 or the director's designee.
118 21 e. The commissioner of public safety, or the
118 22 commissioner's designee.
118 23 f. The director of the department of human services, or
118 24 the director's designee.
118 25 g. The director of the division of criminal and juvenile
118 26 justice planning in the department of human rights, or the
118 27 division director's designee.
118 28 h. A prosecuting attorney.
118 29 i. A licensed substance abuse treatment specialist.
118 30 j. A certified substance abuse prevention specialist.
118 31 k. A substance abuse treatment program director.
118 32 l. A justice of the Iowa supreme court, or judge, as
118 33 designated by the chief justice of the supreme court.
118 34 m. A member representing the Iowa association of chiefs of
118 35 police and peace officers.
119 1 n. A member representing the Iowa state police
119 2 association.
119 3 o. A member representing the Iowa state sheriffs' and
119 4 deputies' association.
119 5 2. The prosecuting attorney, licensed substance abuse
119 6 treatment specialist, certified substance abuse prevention
119 7 specialist, substance abuse treatment program director, member
119 8 representing the Iowa association of chiefs of police and
119 9 peace officers, member representing the Iowa state police
119 10 association, and the member representing the Iowa state
119 11 sheriffs' and deputies' association shall be appointed by the
119 12 governor, subject to senate confirmation, for four-year terms
119 13 beginning and ending as provided in section 69.19. A vacancy
119 14 on the council shall be filled for the unexpired term in the
119 15 same manner as the original appointment was made.
119 16 ~~2.~~ 3. The council shall make policy recommendations to
119 17 the appropriate departments concerning the administration,
119 18 development, and coordination of programs related to substance
119 19 abuse education, prevention, treatment, and enforcement.
119 20 ~~3.~~ 4. The members of the council shall be reimbursed for
119 21 actual and necessary travel and related expenses incurred in
119 22 the discharge of official duties. Each member of the council
119 23 may also be eligible to receive compensation as provided in
119 24 section 7E.6.
119 25 ~~4.~~ 5. The council shall meet at least quarterly
119 26 throughout the year.
119 27 ~~5.~~ 6. A majority of the members of the council
119 28 constitutes a quorum, and a majority of the total membership
119 29 of the council is necessary to act in any matter within the
119 30 jurisdiction of the council.
119 31 Sec. 170. Section 84A.1, subsections 2 and 3, Code 2007,
119 32 are amended to read as follows:
119 33 2. The chief executive officer of the department of
119 34 workforce development is the director who shall be appointed
119 35 by the governor, subject to confirmation by the senate under
120 1 the confirmation procedures of section 2.32.
120 2 a. The director of the department of workforce development
120 3 shall serve at the pleasure of the governor.
120 4 b. The governor shall set the salary of the director
120 5 within the applicable salary range established by the general
120 6 assembly.
120 7 c. The director shall be selected solely on the ability to
120 8 administer the duties and functions granted to the director
120 9 and the department and shall devote full time to the duties of
120 10 the director.
120 11 d. If the office of director becomes vacant, the vacancy
120 12 shall be filled in the same manner as the original appointment
120 13 was made.
120 14 3. a. The director of the department of workforce
120 15 development shall, subject to the requirements of section
120 16 84A.1B, prepare, administer, and control the budget of the

120 17 department and its divisions and shall approve the employment
120 18 of all personnel of the department and its divisions.

120 19 b. The director of the department of workforce development
120 20 shall direct the administrative and compliance functions and
120 21 control the docket of the division of workers' compensation.

120 22 ~~3-~~ 4. The department of workforce development shall
120 23 include the division of labor services, the division of
120 24 workers' compensation, and other divisions as appropriate.

120 25 Sec. 171. Section 85.31, subsection 1, Code 2007, is
120 26 amended to read as follows:

120 27 1. a. When death results from the injury, the employer
120 28 shall pay the dependents who were wholly dependent on the
120 29 earnings of the employee for support at the time of the
120 30 injury, during their lifetime, compensation upon the basis of
120 31 eighty percent per week of the employee's average weekly
120 32 spendable earnings, commencing from the date of death as
120 33 follows:

120 34 ~~a-~~ (1) To the surviving spouse for life or until
120 35 remarriage, provided that upon remarriage two years' benefits
121 1 shall be paid to the surviving spouse in a lump sum, if there
121 2 are no children entitled to benefits.

121 3 ~~b-~~ (2) To any child of the deceased until the child shall
121 4 reach the age of eighteen, provided that a child beyond
121 5 eighteen years of age shall receive benefits to the age of
121 6 twenty-five if actually dependent, and the fact that a child
121 7 is under twenty-five years of age and is enrolled as a
121 8 full-time student in any accredited educational institution
121 9 shall be a prima facie showing of actual dependency.

121 10 ~~c-~~ (3) To any child who was physically or mentally
121 11 incapacitated from earning at the time of the injury causing
121 12 death for the duration of the incapacity from earning.

121 13 ~~d-~~ (4) To all other dependents as defined in section
121 14 85.44 for the duration of the incapacity from earning.

121 15 b. The weekly benefit amount shall not exceed a weekly
121 16 benefit amount, rounded to the nearest dollar, equal to two
121 17 hundred percent of the statewide average weekly wage paid
121 18 employees as determined by the department of workforce
121 19 development under section 96.19, subsection 36, and in effect
121 20 at the time of the injury. The minimum weekly benefit amount
121 21 shall be equal to the weekly benefit amount of a person whose
121 22 gross weekly earnings are thirty-five percent of the statewide
121 23 average weekly wage. Such compensation shall be in addition
121 24 to the benefits provided by sections 85.27 and 85.28.

121 25 Sec. 172. Section 85.34, subsection 3, Code 2007, is
121 26 amended to read as follows:

121 27 3. PERMANENT TOTAL DISABILITY.

121 28 a. Compensation for an injury causing permanent total
121 29 disability shall be upon the basis of eighty percent per week
121 30 of the employee's average spendable weekly earnings, but not
121 31 more than a weekly benefit amount, rounded to the nearest
121 32 dollar, equal to two hundred percent of the statewide average
121 33 weekly wage paid employees as determined by the department of
121 34 workforce development under section 96.19, subsection 36, and
121 35 in effect at the time of the injury. The minimum weekly
122 1 benefit amount is equal to the weekly benefit amount of a
122 2 person whose gross weekly earnings are thirty-five percent of
122 3 the statewide average weekly wage. The weekly compensation is
122 4 payable during the period of the employee's disability.

122 5 b. Such compensation shall be in addition to the benefits
122 6 provided in sections 85.27 and 85.28. No compensation shall
122 7 be payable under this subsection for any injury for which
122 8 compensation is payable under subsection 2 of this section.
122 9 In the event compensation has been paid to any person under
122 10 any provision of this chapter, chapter 85A or chapter 85B for
122 11 the same injury producing a total permanent disability, any
122 12 such amounts so paid shall be deducted from the total amount
122 13 of compensation payable for such permanent total disability.

122 14 Sec. 173. Section 85.45, Code 2007, is amended to read as
122 15 follows:

122 16 85.45 COMMUTATION.

122 17 1. Future payments of compensation may be commuted to a
122 18 present worth lump sum payment on the following conditions:

122 19 ~~1-~~ a. When the period during which compensation is
122 20 payable can be definitely determined.

122 21 ~~2-~~ b. When it shall be shown to the satisfaction of the
122 22 workers' compensation commissioner that such commutation will
122 23 be for the best interest of the person or persons entitled to
122 24 the compensation, or that periodical payments as compared with
122 25 a lump sum payment will entail undue expense, hardship, or
122 26 inconvenience upon the employer liable therefor.

122 27 ~~3-~~ c. When the recipient of commuted benefits is a minor

122 28 employee, the workers' compensation commissioner may order
122 29 that such benefits be paid to a trustee as provided in section
122 30 85.49.

122 31 ~~4-~~ d. When a person seeking a commutation is a surviving
122 32 spouse, an employee with a permanent and total disability, or
122 33 a dependent who is entitled to benefits as provided in section
122 34 85.31, subsection 1, ~~paragraphs "c" and "d"~~ paragraph "a",
122 35 subparagraphs (3) and (4), the future payments which may be
123 1 commuted shall not exceed the number of weeks which shall be
123 2 indicated by probability tables designated by the workers'
123 3 compensation commissioner for death and remarriage, subject to
123 4 the provisions of chapter 17A.

123 5 2. Future payments of compensation shall not be commuted
123 6 to a present worth lump sum payment when the employee is an
123 7 inmate as set forth in section 85.59.

123 8 Sec. 174. Section 86.8, Code 2007, is amended to read as
123 9 follows:

123 10 86.8 DUTIES.

123 11 1. The commissioner shall:

123 12 ~~1-~~ a. Adopt and enforce rules necessary to implement this
123 13 chapter and chapters 85, 85A, 85B, and 87.

123 14 ~~2-~~ b. Prepare and distribute the necessary blanks
123 15 relating to computation, adjustment, and settlement of
123 16 compensation.

123 17 ~~3-~~ c. Prepare and publish statistical reports and
123 18 analyses regarding the cost, occurrence, and sources of
123 19 employment injuries.

123 20 ~~4-~~ d. Administer oaths and examine books and records of
123 21 parties subject to the workers' compensation laws.

123 22 ~~5-~~ e. Provide a seal for the authentication of orders and
123 23 records and for other purposes as required.

123 24 2. Subject to the approval of the director of the
123 25 department of workforce development, the commissioner may
123 26 enter into contracts with any state agency, with or without
123 27 reimbursement, for the purpose of obtaining the services,
123 28 facilities, and personnel of the agency and with the consent
123 29 of any state agency or political subdivision of the state,
123 30 accept and use the services, facilities, and personnel of the
123 31 agency or political subdivision, and employ experts and
123 32 consultants or organizations in order to expeditiously,
123 33 efficiently, and economically effectuate the purposes of this
123 34 chapter. The agreements under this ~~paragraph~~ subsection are
123 35 subject to approval by the executive council if approval is
124 1 required by law.

124 2 Sec. 175. Section 88.6, subsection 8, Code 2007, is
124 3 amended to read as follows:

124 4 8. CONFIDENTIALITY. Notwithstanding chapter 22, records
124 5 prepared or obtained by the commissioner relating to an
124 6 enforcement action conducted pursuant to this chapter shall be
124 7 kept confidential until the enforcement action is complete.

124 8 a. For purposes of this subsection, an enforcement action
124 9 is complete when any of the following occurs:

124 10 ~~a-~~ (1) An inspection file is closed without the issuance
124 11 of a citation.

124 12 ~~b-~~ (2) A citation or noncompliance notice resulting from
124 13 an inspection becomes a final order of the employment appeal
124 14 board and all applicable courts pursuant to sections 88.8 and
124 15 88.9, and abatement is verified.

124 16 ~~c-~~ (3) A determination and any subsequent action is final
124 17 in an occupational safety and health discrimination case.

124 18 b. A citation or noncompliance notice shall remain a
124 19 confidential record until received by the appropriate
124 20 employer.

124 21 c. This subsection shall not affect the discovery rights
124 22 of any party to a contested case.

124 23 Sec. 176. Section 88.9, subsections 1 and 3, Code 2007,
124 24 are amended to read as follows:

124 25 1. AGGRIEVED PERSONS.

124 26 a. Judicial review of any order of the appeal board issued
124 27 under section 88.8, subsection 3, may be sought in accordance
124 28 with the terms of the Iowa administrative procedure Act,
124 29 chapter 17A. Notwithstanding the terms of the Iowa
124 30 administrative procedure Act, chapter 17A, petitions for
124 31 judicial review may be filed in the district court of the
124 32 county in which the violation is alleged to have occurred or
124 33 where the employer has its principal office and may be filed
124 34 within sixty days following the issuance of such order. The
124 35 appeal board's copy of the testimony shall be available to all
125 1 parties for examination at all reasonable times, without cost,
125 2 and for the purpose of judicial review of the appeal board's
125 3 orders.

125 4 b. The commissioner may obtain judicial review or
125 5 enforcement of any final order or decision of the appeal board
125 6 by filing a petition in the district court of the county in
125 7 which the alleged violation occurred or in which the employer
125 8 has its principal office. The judicial review provisions of
125 9 chapter 17A shall govern such proceedings to the extent
125 10 applicable.

125 11 c. Notwithstanding section 10A.601, subsection 7, and
125 12 chapter 17A, the commissioner has the exclusive right to
125 13 represent the appeal board in any judicial review of an appeal
125 14 board decision under this chapter in which the commissioner
125 15 does not appeal the appeal board decision, except as provided
125 16 by section 88.17.

125 17 3. DISCRIMINATION AND DISCHARGE.

125 18 a. (1) A person shall not discharge or in any manner
125 19 discriminate against an employee because the employee has
125 20 filed a complaint or instituted or caused to be instituted a
125 21 proceeding under or related to this chapter or has testified
125 22 or is about to testify in any such proceeding or because of
125 23 the exercise by the employee on behalf of the employee or
125 24 others of a right afforded by this chapter.

125 25 (2) A person shall not discharge or in any manner
125 26 discriminate against an employee because the employee, who
125 27 with no reasonable alternative, refuses in good faith to
125 28 expose the employee's self to a dangerous condition of a
125 29 nature that a reasonable person, under the circumstances then
125 30 confronting the employee, would conclude that there is a real
125 31 danger of death or serious injury; provided the employee,
125 32 where possible, has first sought through resort to regular
125 33 statutory enforcement channels, unless there has been
125 34 insufficient time due to the urgency of the situation, or the
125 35 employee has sought and been unable to obtain from the person,
126 1 a correction of the dangerous condition.

126 2 b. (1) An employee who believes that the employee has
126 3 been discharged or otherwise discriminated against by a person
126 4 in violation of this subsection may, within thirty days after
126 5 the violation occurs, file a complaint with the commissioner
126 6 alleging discrimination.

126 7 (2) Upon receipt of the complaint, the commissioner shall
126 8 conduct an investigation as the commissioner deems
126 9 appropriate. If, upon investigation, the commissioner
126 10 determines that the provisions of this subsection have been
126 11 violated, the commissioner shall bring an action in the
126 12 appropriate district court against the person. In any such
126 13 action, the district court has jurisdiction to restrain
126 14 violations of this subsection and order all appropriate relief
126 15 including rehiring or reinstatement of the employee to the
126 16 employee's former position with back pay.

126 17 (3) Within ninety days of the receipt of a complaint filed
126 18 under this subsection, the commissioner shall notify the
126 19 complainant of the commissioner's determination under this
126 20 subsection.

126 21 Sec. 177. Section 96.3, subsection 7, Code 2007, is
126 22 amended to read as follows:

126 23 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

126 24 a. If an individual receives benefits for which the
126 25 individual is subsequently determined to be ineligible, even
126 26 though the individual acts in good faith and is not otherwise
126 27 at fault, the benefits shall be recovered. The department in
126 28 its discretion may recover the overpayment of benefits either
126 29 by having a sum equal to the overpayment deducted from any
126 30 future benefits payable to the individual or by having the
126 31 individual pay to the department a sum equal to the
126 32 overpayment.

126 33 b. If the department determines that an overpayment has
126 34 been made, the charge for the overpayment against the
126 35 employer's account shall be removed and the account shall be
127 1 credited with an amount equal to the overpayment from the
127 2 unemployment compensation trust fund and this credit shall
127 3 include both contributory and reimbursable employers,
127 4 notwithstanding section 96.8, subsection 5.

127 5 Sec. 178. Section 96.4, subsections 4 and 6, Code 2007,
127 6 are amended to read as follows:

127 7 4. a. The individual has been paid wages for insured work
127 8 during the individual's base period in an amount at least one
127 9 and one-quarter times the wages paid to the individual during
127 10 that quarter of the individual's base period in which the
127 11 individual's wages were highest; provided that the individual
127 12 has been paid wages for insured work totaling at least three
127 13 and five-tenths percent of the statewide average annual wage
127 14 for insured work, computed for the preceding calendar year if

127 15 the individual's benefit year begins on or after the first
127 16 full week in July and computed for the second preceding
127 17 calendar year if the individual's benefit year begins before
127 18 the first full week in July, in that calendar quarter in the
127 19 individual's base period in which the individual's wages were
127 20 highest, and the individual has been paid wages for insured
127 21 work totaling at least one-half of the amount of wages
127 22 required under this subsection in the calendar quarter of the
127 23 base period in which the individual's wages were highest, in a
127 24 calendar quarter in the individual's base period other than
127 25 the calendar quarter in which the individual's wages were
127 26 highest. The calendar quarter wage requirements shall be
127 27 rounded to the nearest multiple of ten dollars.

127 28 b. If the individual has drawn benefits in any benefit
127 29 year, the individual must during or subsequent to that year,
127 30 work in and be paid wages for insured work totaling at least
127 31 two hundred fifty dollars, as a condition to receive benefits
127 32 in the next benefit year.

127 33 6. a. An otherwise eligible individual shall not be
127 34 denied benefits for any week because the individual is in
127 35 training with the approval of the director, nor shall the
128 1 individual be denied benefits with respect to any week in
128 2 which the individual is in training with the approval of the
128 3 director by reason of the application of the provision in
128 4 subsection 3 of this section relating to availability for
128 5 work, and an active search for work or the provision of
128 6 section 96.5, subsection 3, relating to failure to apply for
128 7 or a refusal to accept suitable work. However, an employer's
128 8 account shall not be charged with benefits so paid.

128 9 b. (1) An otherwise eligible individual shall not be
128 10 denied benefits for a week because the individual is in
128 11 training approved under 19 U.S.C. } 2296(a), as amended by
128 12 section 2506 of the federal Omnibus Budget Reconciliation Act
128 13 of 1981, because the individual leaves work which is not
128 14 suitable employment to enter the approved training, or because
128 15 of the application of subsection 3 of this section or section
128 16 96.5, subsection 3, or a federal unemployment insurance law
128 17 administered by the department relating to availability for
128 18 work, active search for work, or refusal to accept work.

128 19 (2) For purposes of this paragraph, "suitable employment"
128 20 means work of a substantially equal or higher skill level than
128 21 an individual's past adversely affected employment, as defined
128 22 in 19 U.S.C. } 2319(1), if weekly wages for the work are not
128 23 less than eighty percent of the individual's average weekly
128 24 wage.

128 25 Sec. 179. Section 96.6, subsection 3, Code 2007, is
128 26 amended to read as follows:

128 27 3. APPEALS.

128 28 a. Unless the appeal is withdrawn, an administrative law
128 29 judge, after affording the parties reasonable opportunity for
128 30 fair hearing, shall affirm or modify the findings of fact and
128 31 decision of the representative. The hearing shall be
128 32 conducted pursuant to the provisions of chapter 17A relating
128 33 to hearings for contested cases. Before the hearing is
128 34 scheduled, the parties shall be afforded the opportunity to
128 35 choose either a telephone hearing or an in-person hearing. A
129 1 request for an in-person hearing shall be approved unless the
129 2 in-person hearing would be impractical because of the distance
129 3 between the parties to the hearing. A telephone or in-person
129 4 hearing shall not be scheduled before the seventh calendar day
129 5 after the parties receive notice of the hearing. Reasonable
129 6 requests for the postponement of a hearing shall be granted.
129 7 The parties shall be duly notified of the administrative law
129 8 judge's decision, together with the administrative law judge's
129 9 reasons for the decision, which is the final decision of the
129 10 department, unless within fifteen days after the date of
129 11 notification or mailing of the decision, further appeal is
129 12 initiated pursuant to this section.

129 13 b. Appeals from the initial determination shall be heard
129 14 by an administrative law judge employed by the department. An
129 15 administrative law judge's decision may be appealed by any
129 16 party to the employment appeal board created in section
129 17 10A.601. The decision of the appeal board is final agency
129 18 action and an appeal of the decision shall be made directly to
129 19 the district court.

129 20 Sec. 180. Section 96.9, subsection 2, Code Supplement
129 21 2007, is amended to read as follows:

129 22 2. ACCOUNTS AND DEPOSITS.

129 23 a. The state treasurer shall be ex officio treasurer and
129 24 custodian of the fund and shall administer such fund in
129 25 accordance with the directions of the department. The

129 26 director of the department of administrative services shall
129 27 issue warrants upon the fund pursuant to the order of the
129 28 department and such warrants shall be paid from the fund by
129 29 the treasurer.

129 30 b. The treasurer shall maintain within the fund three
129 31 separate accounts:

129 32 a. (1) A clearing account.

129 33 b. (2) An unemployment trust fund account.

129 34 c. (3) A benefit account.

129 35 c. All moneys payable to the unemployment compensation
130 1 fund and all interest and penalties on delinquent
130 2 contributions and reports shall, upon receipt thereof by the
130 3 department, be forwarded to the treasurer who shall
130 4 immediately deposit them in the clearing account, but the
130 5 interest and penalties on delinquent contributions and reports
130 6 shall not be deemed to be a part of the fund. Refunds of
130 7 contributions payable pursuant to section 96.14 shall be paid
130 8 by the treasurer from the clearing account upon warrants
130 9 issued by the director of the department of administrative
130 10 services under the direction of the department. After
130 11 clearance thereof, all other moneys in the clearing account,
130 12 except interest and penalties on delinquent contributions and
130 13 reports, shall be immediately deposited with the secretary of
130 14 the treasury of the United States to the credit of the account
130 15 of this state in the unemployment trust fund, established and
130 16 maintained pursuant to section 904 of the Social Security Act
130 17 as amended, any provisions of law in this state relating to
130 18 the deposit, administration, release or disbursement of moneys
130 19 in the possession or custody of this state to the contrary
130 20 notwithstanding. Interest and penalties on delinquent
130 21 contributions and reports collected from employers shall be
130 22 transferred from the clearing account to the special
130 23 employment security contingency fund. The benefit account
130 24 shall consist of all moneys requisitioned from this state's
130 25 account in the unemployment trust fund for the payment of
130 26 benefits. Except as herein otherwise provided, moneys in the
130 27 clearing and benefit account may be deposited by the
130 28 treasurer, under the direction of the department, in any bank
130 29 or public depository in which general funds of the state may
130 30 be deposited, but no public deposit insurance charge or
130 31 premium shall be paid out of the fund. The treasurer shall
130 32 give a separate bond conditioned upon the faithful performance
130 33 of the treasurer's duties as custodian of the fund in an
130 34 amount fixed by the governor and in form and manner prescribed
130 35 by law. Premiums for said bond shall be paid from the
131 1 administration fund.

131 2 d. Interest paid upon the moneys deposited with the
131 3 secretary of the treasury of the United States shall be
131 4 credited to the unemployment compensation fund.

131 5 Sec. 181. Section 96.11, subsections 3 and 10, Code
131 6 Supplement 2007, are amended to read as follows:

131 7 3. PUBLICATIONS.

131 8 a. The director shall cause to be printed for distribution
131 9 to the public the text of this chapter, the department's
131 10 general rules, its annual reports to the governor, and any
131 11 other material the director deems relevant and suitable and
131 12 shall furnish the same to any person upon application
131 13 therefor.

131 14 b. The department shall prepare and distribute to the
131 15 public as labor force data, only that data adjusted according
131 16 to the current population survey and other nonlabor force
131 17 statistics which the department determines are of interest to
131 18 the public.

131 19 10. STATE=FEDERAL COOPERATION.

131 20 a. In the administration of this chapter, the department
131 21 shall cooperate with the United States department of labor to
131 22 the fullest extent consistent with the provisions of this
131 23 chapter, and shall take such action, through the adoption of
131 24 appropriate rules, regulations, administrative methods and
131 25 standards, as may be necessary to secure to this state and its
131 26 citizens all advantages available under the provisions of the
131 27 Social Security Act that relate to unemployment compensation,
131 28 the federal Unemployment Tax Act, the Wagner=Peyser Act, and
131 29 the Federal=State Extended Unemployment Compensation Act of
131 30 1970.

131 31 b. In the administration of the provisions of section
131 32 96.29 which are enacted to conform with the requirements of
131 33 the Federal=State Extended Unemployment Compensation Act of
131 34 1970, the department shall take such action as may be
131 35 necessary to insure that the provisions are so interpreted and
132 1 applied as to meet the requirements of such federal Act as

132 2 interpreted by the United States department of labor, and to
132 3 secure to this state the full reimbursement of the federal
132 4 share of extended benefits paid under this chapter that are
132 5 reimbursable under the federal Act.

132 6 c. The department shall make such reports, in such form
132 7 and containing such information as the United States
132 8 department of labor may from time to time require, and shall
132 9 comply with such provisions as the United States department of
132 10 labor may from time to time find necessary to assure the
132 11 correctness and verification of such reports; and shall comply
132 12 with the regulations prescribed by the United States
132 13 department of labor governing the expenditures of such sums as
132 14 may be allotted and paid to this state under Title III of the
132 15 Social Security Act for the purpose of assisting in
132 16 administration of this chapter.

132 17 d. The department may make its records relating to the
132 18 administration of this chapter available to the railroad
132 19 retirement board, and may furnish the railroad retirement
132 20 board such copies thereof as the railroad retirement board
132 21 deems necessary for its purposes. The department may afford
132 22 reasonable cooperation with every agency of the United States
132 23 charged with the administration of any unemployment insurance
132 24 law. The railroad retirement board or any other agency
132 25 requiring such services and reports from the department shall
132 26 pay the department such compensation therefor as the
132 27 department determines to be fair and reasonable.

132 28 Sec. 182. Section 96.14, subsection 3, Code Supplement
132 29 2007, is amended to read as follows:

132 30 3. LIEN OF CONTRIBUTIONS == COLLECTION.

132 31 a. Whenever any employer liable to pay contributions
132 32 refuses or neglects to pay the same, the amount, including any
132 33 interest, together with the costs that may accrue in addition
132 34 thereto, shall be a lien in favor of the state upon all
132 35 property and rights to property, whether real or personal,
133 1 belonging to said employer. An assessment of the unpaid
133 2 contributions, interest and penalty shall be applied as
133 3 provided in section 96.7, subsection 3, paragraphs "a" and
133 4 "b", and the lien shall attach as of the date the assessment
133 5 is mailed or personally served upon the employer and shall
133 6 continue for ten years, or until the liability for the amount
133 7 is satisfied, unless sooner released or otherwise discharged.
133 8 The lien may, within ten years from the date the lien
133 9 attaches, be extended for up to an additional ten years by
133 10 filing a notice during the ninth year with the appropriate
133 11 county official of any county. However, the department may
133 12 release any lien, when after diligent investigation and effort
133 13 it determines that the amount due is not collectible.

133 14 b. In order to preserve the aforesaid lien against
133 15 subsequent mortgagees, purchasers or judgment creditors, for
133 16 value and without notice of the lien, on any property situated
133 17 in a county, the department shall file with the recorder of
133 18 the county, in which said property is located, a notice of
133 19 said lien.

133 20 c. The county recorder of each county shall prepare and
133 21 keep in the recorder's office an index to show the following
133 22 data, under the names of employers, arranged alphabetically:

133 23 a. (1) The name of the employer.
133 24 b. (2) The name "State of Iowa" as claimant.
133 25 c. (3) Time notice of lien was received.
133 26 d. (4) Date of notice.
133 27 e. (5) Amount of lien then due.
133 28 f. (6) When satisfied.

133 29 d. The recorder shall endorse on each notice of lien the
133 30 day, hour, and minute when received and shall index the notice
133 31 in the index and shall record the lien in the manner provided
133 32 for recording real estate mortgages, and the lien shall be
133 33 effective from the time of the indexing of the lien.

133 34 e. The department shall pay a recording fee as provided in
133 35 section 331.604, for the recording of the lien, or for its
134 1 satisfaction.

134 2 f. Upon the payment of contributions as to which the
134 3 department has filed notice with a county recorder, the
134 4 department shall forthwith file with said recorder a
134 5 satisfaction of said contributions and the recorder shall
134 6 enter said satisfaction on the notice on file in the
134 7 recorder's office and indicate said fact on the index
134 8 aforesaid.

134 9 g. The department shall, substantially as provided in this
134 10 chapter and chapter 626, proceed to collect all contributions
134 11 as soon as practicable after they become delinquent, except
134 12 that no property of the employer is exempt from payment of the

134 13 contributions.

134 14 h. If, after due notice, any employer defaults in any
134 15 payment of contributions or interest thereon, the amount due
134 16 may be collected by civil action in the name of the department
134 17 and the employer adjudged in default shall pay the costs of
134 18 such action. Civil actions brought under this section to
134 19 collect contributions or interest thereon from an employer
134 20 shall be heard by the court at the earliest possible date and
134 21 shall be entitled to preference upon the calendar of the court
134 22 over all other civil actions except petitions for judicial
134 23 review under this chapter and cases arising under the workers'
134 24 compensation law of this state.

134 25 i. It is expressly provided that the foregoing remedies of
134 26 the state shall be cumulative and that no action taken by the
134 27 department shall be construed to be an election on the part of
134 28 the state or any of its officers to pursue any remedy
134 29 hereunder to the exclusion of any other remedy provided by
134 30 law.

134 31 j. The courts of this state shall recognize and enforce
134 32 liabilities for unemployment contributions, penalties,
134 33 interest, and benefit overpayments imposed by other states
134 34 which extend a like comity to this state. The department may
134 35 sue in the courts of any other jurisdiction which extends such
135 1 comity to collect unemployment contributions, penalties,
135 2 interest, and benefit overpayments due this state. The
135 3 officials of other states which, by statute or otherwise,
135 4 extend a like comity to this state may sue in the district
135 5 court to collect for such contributions, penalties, interest,
135 6 and benefit overpayments. In any such case the director, as
135 7 agent for and on behalf of any other state, may institute and
135 8 conduct such suit for such other state. Venue of such
135 9 proceedings shall be the same as for actions to collect
135 10 delinquent contributions, penalties, interest, and benefit
135 11 overpayments due under this chapter. A certificate by the
135 12 secretary of any such state attesting the authority of such
135 13 official to collect the contributions, penalties, interest,
135 14 and benefit overpayments, is conclusive evidence of such
135 15 authority. The requesting state shall pay the court costs.

135 16 k. If a political subdivision or a political subdivision
135 17 instrumentality becomes delinquent in the payment of
135 18 contributions, any payments owed as a government employer,
135 19 penalty, interest and costs for more than two calendar
135 20 quarters, the amount of such delinquency shall be deducted
135 21 from any further moneys due the employer by the state. Such
135 22 deduction shall be made by the director of the department of
135 23 administrative services upon certification of the amount due.
135 24 A copy of the certification will be mailed to the employer.

135 25 l. If an amount due from a governmental entity of this
135 26 state remains due and unpaid for a period of one hundred
135 27 twenty days after the due date, the director shall take action
135 28 as necessary to collect the amount and shall levy against any
135 29 funds due the governmental entity from the state treasurer,
135 30 director of the department of administrative services, or any
135 31 other official or agency of this state, or against an account
135 32 established by the entity in any bank. The official, agency,
135 33 or bank shall deduct the amount certified by the director from
135 34 any accounts or deposits or any funds due the delinquent
135 35 governmental entity without regard to any prior claim and
136 1 shall promptly forward the amount to the director for the
136 2 fund. However, the director shall notify the delinquent
136 3 entity of the director's intent to file a levy by certified
136 4 mail at least ten days prior to filing the levy on any funds
136 5 due the entity from any state official or agency.

136 6 Sec. 183. Section 96.16, subsection 5, Code 2007, is
136 7 amended to read as follows:

136 8 5. EXPERIENCE AND TAX RATE AVOIDANCE.

136 9 a. If a person knowingly violates or attempts to violate
136 10 section 96.7, subsection 2, paragraph "b", subparagraph (2) or
136 11 (3), with respect to a transfer of unemployment experience, or
136 12 if a person knowingly advises another person in a way that
136 13 results in a violation of such subparagraph, the person shall
136 14 be subject to the penalties established in this subsection.
136 15 If the person is an employer, the employer shall be assigned a
136 16 penalty rate of contribution of two percent of taxable wages
136 17 in addition to the regular contribution rate assigned for the
136 18 year during which such violation or attempted violation
136 19 occurred and for the two rate years immediately following. If
136 20 the person is not an employer, the person shall be subject to
136 21 a civil penalty of not more than five thousand dollars for
136 22 each violation which shall be deposited in the unemployment
136 23 trust fund, and shall be used for payment of unemployment

136 24 benefits. In addition to any other penalty imposed in this
136 25 subsection, violations described in this subsection shall also
136 26 constitute an aggravated misdemeanor.

136 27 ~~b. For purposes of this subsection, "knowingly":~~

136 28 ~~(1) "Knowingly" means having actual knowledge of or acting~~
136 29 ~~with deliberate ignorance of or reckless disregard for the~~
136 30 ~~requirement or prohibition involved. For purposes of this~~

136 31 ~~subsection, "violates"~~

136 32 ~~(2) "Violates or attempts to violate" includes, but is not~~
136 33 ~~limited to, the intent to evade, misrepresentation, and~~
136 34 ~~willful nondisclosure.~~

136 35 Sec. 184. Section 96.19, subsection 18, paragraph a,
137 1 subparagraphs (3) and (7), Code 2007, are amended to read as
137 2 follows:

137 3 (3) (a) Any individual other than an individual who is an
137 4 employee under subparagraphs (1) or (2) who performs services
137 5 for remuneration for any person as an agent driver or
137 6 commission driver engaged in distributing meat products,
137 7 vegetable products, fruit products, bakery products, beverages
137 8 (other than milk), or laundry or dry cleaning services for the
137 9 individual's principal; as a traveling or city salesperson,
137 10 other than as an agent driver or commission driver, engaged
137 11 upon a full-time basis in the solicitation on behalf of, and
137 12 the transmission to, the individual's principal (except for
137 13 sideline sales activities on behalf of some other person) of
137 14 orders from wholesalers, retailers, contractors, or operators
137 15 of hotels, restaurants, or other similar establishments for
137 16 merchandise for resale or supplies for use in their business
137 17 operations.

137 18 (b) Provided, that for purposes of ~~paragraph "a", this~~
137 19 ~~subparagraph (3), the term "employment" shall include services~~
137 20 ~~performed after December 31, 1971, only if:~~

137 21 ~~(a) (i) The contract of service contemplates that~~
137 22 ~~substantially all of the services are to be performed~~

137 23 ~~personally by such individual;~~

137 24 ~~(b) (ii) The individual does not have a substantial~~
137 25 ~~investment in facilities used in connection with the~~
137 26 ~~performance of the services (other than in facilities for~~
137 27 ~~transportation); and~~

137 28 ~~(c) (iii) The services are not in the nature of single~~
137 29 ~~transaction that is not part of a continuing relationship with~~
137 30 ~~the person for whom the services are performed.~~

137 31 (7) (a) A person in agricultural labor when such labor is
137 32 performed for an employing unit which during any calendar
137 33 quarter in the calendar year or the preceding calendar year
137 34 paid remuneration in cash of twenty thousand dollars or more
137 35 to individuals employed in agricultural labor excluding labor
138 1 performed before January 1, 1980, by an alien referred to in
138 2 this subparagraph; or on each of some twenty days during the
138 3 calendar year or the preceding calendar year, each day being
138 4 in a different calendar week, employed in agricultural labor
138 5 for some portion of the day ten or more individuals, excluding
138 6 labor performed before January 1, 1980, by an alien referred
138 7 to in this subparagraph; and such labor is not agricultural
138 8 labor performed before January 1, 1980, by an individual who
138 9 is an alien admitted to the United States to perform
138 10 agricultural labor pursuant to sections 214(c) and
138 11 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C.
138 12 } 1184(c), 1101(a)(15)(H) (1976). For purposes of this
138 13 subparagraph subdivision, "employed" shall not include
138 14 services performed by agricultural workers who are aliens
138 15 admitted to the United States to perform labor pursuant to
138 16 section 101(a)(15)(H)(ii)(a) of the Immigration and
138 17 Nationality Act and who are not covered under the Federal
138 18 Unemployment Tax Act.

138 19 (b) For purposes of this subparagraph, any individual who
138 20 is a member of a crew furnished by a crew leader to perform
138 21 agricultural labor for any other employing unit shall be
138 22 treated as an employee of such crew leader if such crew leader
138 23 holds a valid certificate of registration under the Farm Labor
138 24 Contractor Registration Act of 1963; or substantially all the
138 25 members of such crew operate or maintain tractors, mechanized
138 26 harvesting or cropdusting equipment, or any other mechanized
138 27 equipment, which is provided by such crew leader; and if such
138 28 individual is not otherwise in employment as defined in this
138 29 subsection.

138 30 (c) For purposes of this subparagraph (7), in the case of
138 31 any individual who is furnished by a crew leader to perform
138 32 agricultural labor for any other employing unit and who is not
138 33 treated as an employee of such crew leader as described above,
138 34 such other employing unit and not the crew leader shall be

138 35 treated as the employer of such individual; and such other
139 1 employing unit shall be treated as having paid cash
139 2 remuneration to such individual in an amount equal to the
139 3 amount of cash remuneration paid to such individual by the
139 4 crew leader either on the crew leader's behalf or on behalf of
139 5 such other employing unit for the agricultural labor performed
139 6 for such other employing unit.

139 7 (d) For purposes of this ~~subsection~~ subparagraph (7), the
139 8 term "crew leader" means an employing unit which furnishes
139 9 individuals to perform agricultural labor for any other
139 10 employing unit; pays, either on the crew leader's behalf or on
139 11 behalf of such other employing unit, the individuals so
139 12 furnished by the crew leader for the agricultural labor
139 13 performed by them; and has not entered into a written
139 14 agreement with such other employing unit under which such
139 15 individual is designated as an employee of such other
139 16 employing unit.

139 17 Sec. 185. Section 96.19, subsection 38, paragraph b, Code
139 18 2007, is amended to read as follows:

139 19 b. An individual shall be deemed partially unemployed in
139 20 any week in which, ~~while either of the following apply:~~

139 21 (1) ~~While~~ employed at the individual's then regular job,
139 22 the individual works less than the regular full-time week and
139 23 in which the individual earns less than the individual's
139 24 weekly benefit amount plus fifteen dollars.

139 25 (2) ~~An individual shall be deemed partially unemployed in~~
139 26 ~~any week in which the~~ The individual, having been separated
139 27 from the individual's regular job, earns at odd jobs less than
139 28 the individual's weekly benefit amount plus fifteen dollars.

139 29 Sec. 186. Section 97A.8, subsection 3, Code 2007, is
139 30 amended to read as follows:

139 31 3. EXPENSE FUND.

139 32 a. The expense fund shall be the fund to which shall be
139 33 credited all money provided by the state of Iowa to pay the
139 34 administration expenses of the system and from which shall be
139 35 paid all the expenses necessary in connection with the
140 1 administration and operation of the system. Biennially the
140 2 board of trustees shall estimate the amount of money necessary
140 3 to be paid into the expense fund during the ensuing biennium
140 4 to provide for the expense of operation of the system.
140 5 Investment management expenses shall be charged to the
140 6 investment income of the system and there is appropriated from
140 7 the system an amount required for the investment management
140 8 expenses. The board of trustees shall report the investment
140 9 management expenses for the fiscal year as a percent of the
140 10 market value of the system.

140 11 b. For purposes of this subsection, investment management
140 12 expenses are limited to the following:

140 13 a. (1) Fees for investment advisors, consultants, and
140 14 investment management and benefit consultant firms hired by
140 15 the board of trustees in administering this chapter.

140 16 b. (2) Fees and costs for safekeeping fund assets.

140 17 c. (3) Costs for performance and compliance monitoring,
140 18 and accounting for fund investments.

140 19 d. (4) Any other costs necessary to prudently invest or
140 20 protect the assets of the fund.

140 21 Sec. 187. Section 97B.1A, subsection 8, paragraph a,
140 22 subparagraph (2), Code 2007, is amended to read as follows:

140 23 (2) Members of the general assembly of Iowa and temporary
140 24 employees of the general assembly of Iowa.

140 25 (a) A member of the general assembly covered under this
140 26 chapter may terminate membership under this chapter by
140 27 informing the system in writing of the member's intent to
140 28 terminate membership.

140 29 (b) Temporary employees of the general assembly covered
140 30 under this chapter may terminate membership by sending written
140 31 notification to the system of their separation from service.

140 32 Sec. 188. Section 97B.70, subsection 1, paragraph b, Code
140 33 2007, is amended to read as follows:

140 34 b. The interest dividend shall be determined within sixty
140 35 days after the end of each calendar year as follows:

141 1 (1) The dividend rate for a calendar year shall be the
141 2 excess of the average rate of interest earned for the year
141 3 over the statutory two percent rate plus twenty-five
141 4 hundredths of one percent.

141 5 (2) The average rate of interest earned and the interest
141 6 dividend rate in percent shall be calculated to the nearest
141 7 one hundredth, that is, to two decimal places.

141 8 (3) Interest and interest dividends calculated pursuant to
141 9 this subsection shall be compounded annually.

141 10 Sec. 189. Section 99B.1, subsection 13, Code Supplement

141 11 2007, is amended to read as follows:

141 12 13. a. "Eligible applicant" means an applicant who meets
141 13 all of the following requirements:

141 14 ~~a.~~ (1) The applicant's financial standing and good
141 15 reputation are within the standards established by the
141 16 department by rule under chapter 17A so as to satisfy the
141 17 director of the department that the applicant will comply with
141 18 this chapter and the rules applicable to operations under it.

141 19 ~~b.~~ (2) The applicant is a citizen of the United States
141 20 and a resident of this state, or a corporation licensed to do
141 21 business in this state, or a business that has an established
141 22 place of business in this state or that is doing business in
141 23 this state.

141 24 ~~c.~~ (3) The applicant has not been convicted of a felony.
141 25 However, if the applicant's conviction occurred more than five
141 26 years before the date of the application for a license, and if
141 27 the applicant's rights of citizenship have been restored by
141 28 the governor, the director of the department may determine
141 29 that the applicant is an eligible applicant.

141 30 b. If the applicant is an organization, then the
141 31 requirements of ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~
141 32 subparagraphs (1) through (3), apply to ~~its~~ the officers,
141 33 directors, partners and controlling shareholders of the
141 34 organization.

141 35 Sec. 190. Section 99B.7, subsection 3, paragraphs b and c,
142 1 Code 2007, are amended to read as follows:

142 2 b. (1) A person or the agent of a person submitting
142 3 application to conduct games pursuant to this section as a
142 4 qualified organization shall certify that the receipts of all
142 5 games, less reasonable expenses, charges, fees, taxes, and
142 6 deductions allowed by this chapter, either will be distributed
142 7 as prizes to participants or will be dedicated and distributed
142 8 to educational, civic, public, charitable, patriotic or
142 9 religious uses in this state and that the amount dedicated and
142 10 distributed will equal at least seventy-five percent of the
142 11 net receipts.

142 12 (2) (a) "Educational, civic, public, charitable,
142 13 patriotic, or religious uses" means uses benefiting a society
142 14 for the prevention of cruelty to animals or animal rescue
142 15 league, or uses benefiting an indefinite number of persons
142 16 either by bringing them under the influence of education or
142 17 religion or relieving them from disease, suffering, or
142 18 constraint, or by erecting or maintaining public buildings or
142 19 works, or otherwise lessening the burden of government, or
142 20 uses benefiting any bona fide nationally chartered fraternal
142 21 or military veterans' corporation or organization which
142 22 operates in Iowa a clubroom, post, dining room, or dance hall,
142 23 but does not include the erection, acquisition, improvement,
142 24 maintenance, or repair of real, personal or mixed property
142 25 unless it is used for one or more of the uses stated.

142 26 (b) "Public uses" specifically includes dedication of net
142 27 receipts to political parties as defined in section 43.2.

142 28 (c) "Charitable uses" includes uses benefiting a definite
142 29 number of persons who are the victims of loss of home or
142 30 household possessions through explosion, fire, flood, or storm
142 31 when the loss is uncompensated by insurance, and uses
142 32 benefiting a definite number of persons suffering from a
142 33 seriously disabling disease or injury, causing severe loss of
142 34 income or incurring extraordinary medical expense when the
142 35 loss is uncompensated by insurance.

143 1 (3) Proceeds given to another charitable organization to
143 2 satisfy the seventy-five percent dedication requirement shall
143 3 not be used by the donee to pay any expenses in connection
143 4 with the conducting of bingo by the donor organization, or for
143 5 any cause, deed, or activity that would not constitute a valid
143 6 dedication under this section.

143 7 c. (1) A qualified organization shall distribute amounts
143 8 awarded as prizes on the day they are won. A qualified
143 9 organization shall dedicate and distribute the balance of the
143 10 net receipts received within a quarter and remaining after
143 11 deduction of reasonable expenses, charges, fees, taxes, and
143 12 deductions allowed by this chapter, before the quarterly
143 13 report required for that quarter under section 99B.2,
143 14 subsection 4, is due. The amount dedicated and distributed
143 15 must equal at least seventy-five percent of the net receipts.
143 16 A person desiring to hold the net receipts for a period longer
143 17 than permitted under this paragraph shall apply to the
143 18 department for special permission and upon good cause shown
143 19 the department may grant the request.

143 20 (2) If permission is granted to hold the net receipts, the
143 21 person shall, as a part of the quarterly report required by

143 22 section 99B.2, report the amount of money currently being held
143 23 and all expenditures of the funds. This report shall be filed
143 24 even if the person no longer holds a gambling license.
143 25 Sec. 191. Section 99D.25, subsection 10, Code Supplement
143 26 2007, is amended to read as follows:
143 27 10. Veterinarians must submit daily to the commission
143 28 veterinarian on a prescribed form a report of all medications
143 29 and other substances which the veterinarian prescribed,
143 30 administered, or dispensed for horses registered at a current
143 31 race meeting. A logbook detailing other professional services
143 32 performed while on the grounds of a racetrack shall be kept by
143 33 veterinarians and shall be made immediately available to the
143 34 commission veterinarian or the stewards upon request.

143 35 11. A person who violates this section is guilty of a
144 1 class "D" felony.

144 2 Sec. 192. Section 100.1, unnumbered paragraphs 1 and 2,
144 3 Code Supplement 2007, are amended to read as follows:

144 4 The chief officer of the division of state fire marshal in
144 5 the department of public safety shall be known as the state
144 6 fire marshal. The fire marshal's duties shall be as follows:

144 7 ~~The fire marshal's duties shall be as follows:~~

144 8 Sec. 193. Section 101.22, subsection 7, Code 2007, is
144 9 amended to read as follows:

144 10 7. It is unlawful to deposit petroleum in an aboveground
144 11 petroleum storage tank which has not been registered pursuant
144 12 to subsections 1 through 4.

144 13 8. The state fire marshal shall furnish the owner or
144 14 operator of an aboveground petroleum storage tank with a
144 15 registration tag for each aboveground petroleum storage tank
144 16 registered with the state fire marshal. The owner or operator
144 17 shall affix the tag to the fill pipe of each registered
144 18 aboveground petroleum storage tank. A person who conveys or
144 19 deposits petroleum shall inspect the aboveground petroleum
144 20 storage tank to determine the existence or absence of the
144 21 registration tag. If a registration tag is not affixed to the
144 22 aboveground petroleum storage tank fill pipe, the person
144 23 conveying or depositing the petroleum may deposit the
144 24 petroleum in the unregistered tank. However, the deposit is
144 25 allowed only in the single instance, that the person provides
144 26 the owner or operator with another notice as required by
144 27 subsection 5, and that the person provides the owner or
144 28 operator with an aboveground petroleum storage tank
144 29 registration form. It is the owner or operator's duty to
144 30 comply with registration requirements. A late registration
144 31 penalty of twenty-five dollars is imposed in addition to the
144 32 registration fee for a tank registered after the required
144 33 date.

144 34 DIVISION III

144 35 CONFORMING AMENDMENTS TO VOLUME I RENUMBERING

145 1 Sec. 194. Section 10B.7, unnumbered paragraph 1, Code
145 2 Supplement 2007, is amended to read as follows:

145 3 Lessees of agricultural land under section 9H.4, subsection
145 4 ~~2~~ 1, paragraph ~~"c"~~ "b", subparagraph (3), for research or
145 5 experimental purposes, shall file a biennial report with the
145 6 secretary of state on or before March 31 of each odd-numbered
145 7 year on forms adopted pursuant to chapter 17A and supplied by
145 8 the secretary of state. However, a lessee required to file a
145 9 biennial report pursuant to chapter 490, 490A, 496C, 497, 498,
145 10 499, 501, 501A, or 504 shall file the report required by this
145 11 section in the same year as required by that chapter. The
145 12 lessee may file the report required by this section together
145 13 with the biennial report required to be filed by one of the
145 14 other chapters referred to in this paragraph. The report
145 15 shall contain the following information for the reporting
145 16 period:

145 17 Sec. 195. Section 11.36, subsection 1, Code Supplement
145 18 2007, is amended to read as follows:

145 19 1. The auditor of state may, at the request of a
145 20 department, review, during normal business hours upon
145 21 reasonable notice of at least twenty-four hours, the audit
145 22 working papers prepared by a certified public accountant
145 23 covering the receipt and expenditure of state or federal funds
145 24 provided by the department to any other entity to determine if
145 25 the receipt and expenditure of those funds by the entity is
145 26 consistent with the laws, rules, regulations, and contractual
145 27 agreements governing those funds. Upon completion of the
145 28 review, the auditor of state shall report whether, in the
145 29 auditor of state's judgment, the auditor of state believes the
145 30 certified public accountant's working papers adequately
145 31 demonstrate that the laws, rules, regulations, and contractual
145 32 agreements governing the funds have been substantially

145 33 complied with. If the auditor of state does not believe the
145 34 certified public accountant's working papers adequately
145 35 demonstrate that the laws, rules, regulations, and contractual
146 1 agreements have been substantially complied with or believes a
146 2 complete or partial reaudit is necessary based on the
146 3 provisions of section 11.6, subsection 4, paragraph "a" ~~or~~
~~146 4 "b", subparagraph (1) or (2).~~ the auditor of state shall
146 5 notify the certified public accountant and the department of
146 6 the actions the auditor of state believes are necessary to
146 7 determine whether the entity is in substantial compliance with
146 8 those laws, rules, regulations, and contractual agreements.
146 9 The auditor of state may assist departments with actions to
146 10 determine whether the entity is in substantial compliance.
146 11 Departments requesting the review shall reimburse the auditor
146 12 of state for the cost of the review and any subsequent
146 13 assistance provided by the auditor of state.

146 14 Sec. 196. Section 49.13, subsection 1, Code Supplement
146 15 2007, is amended to read as follows:

146 16 1. The membership of each precinct election board shall be
146 17 appointed by the commissioner, not less than fifteen days
146 18 before each election held in the precinct, from the election
146 19 board panel drawn up as provided in section 49.15. Precinct
146 20 election officials shall be registered voters of the county,
146 21 or other political subdivision within which precincts have
146 22 been merged across county lines pursuant to section 49.11,
146 23 subsection ~~±~~ 3, paragraph "a", in which they are appointed.
146 24 Preference shall be given to appointment of residents of a
146 25 precinct to serve as precinct election officials for that
146 26 precinct, but the commissioner may appoint other residents of
146 27 the county where necessary.

146 28 Sec. 197. Section 49.16, subsection 2, Code 2007, is
146 29 amended to read as follows:

146 30 2. When all or portions of two or more precincts are
146 31 merged for any election as permitted by section 49.11,
146 32 subsection ~~±~~ 3, paragraph "a", the commissioner may appoint
146 33 the election board for the merged precinct from the election
146 34 board panels of any of the precincts so merged. When any
146 35 permanent precinct is divided as permitted by section 49.11,
147 1 subsection ~~±~~ 3, paragraph "b", the commissioner shall so far
147 2 as possible appoint the election board for each of the
147 3 temporary precincts so created from the election board panel
147 4 of the permanent precinct.

147 5 Sec. 198. Section 87.11, subsection 4, Code Supplement
147 6 2007, is amended to read as follows:

147 7 4. Notwithstanding contrary provisions of section 85.45,
147 8 any future payment of medical expenses, weekly compensation
147 9 benefits, or other payments by the commissioner of insurance
147 10 from the security given under this section, pursuant to this
147 11 chapter or chapter 85, 85A, 85B, or 86, shall be deemed an
147 12 undue expense, hardship, or inconvenience upon the employer
147 13 for purposes of a full commutation pursuant to section 85.45,
147 14 subsection ~~±~~ 1, paragraph "b".

147 15 Sec. 199. Section 96.4, subsection 3, Code 2007, is
147 16 amended to read as follows:

147 17 3. The individual is able to work, is available for work,
147 18 and is earnestly and actively seeking work. This subsection
147 19 is waived if the individual is deemed partially unemployed,
147 20 while employed at the individual's regular job, as defined in
147 21 section 96.19, subsection 38, paragraph "b", ~~unnumbered~~
~~147 22 paragraph ± subparagraph (1),~~ or temporarily unemployed as
147 23 defined in section 96.19, subsection 38, paragraph "c". The
147 24 work search requirements of this subsection and the
147 25 disqualification requirement for failure to apply for, or to
147 26 accept suitable work of section 96.5, subsection 3 are waived
147 27 if the individual is not disqualified for benefits under
147 28 section 96.5, subsection 1, paragraph "h".

147 29 Sec. 200. Section 279.48, subsection 1, paragraph b, Code
147 30 2007, is amended to read as follows:

147 31 b. The note may bear interest at a rate to be determined
147 32 by the board of directors in the manner provided in section
147 33 74A.3, subsection 1, paragraph "a". Chapter 75 is not
147 34 applicable.

147 35 Sec. 201. Section 331.756, subsection 12, Code Supplement
148 1 2007, is amended to read as follows:

148 2 12. Submit reports as to the condition and operation of
148 3 the county attorney's office when required by the attorney
148 4 general as provided in section 13.2, subsection ~~±~~ 1, paragraph
148 5 "h".

148 6 Sec. 202. Section 515B.5, subsection 2, paragraph h, Code
148 7 2007, is amended to read as follows:

148 8 h. Request that all future payments of workers'

148 9 compensation weekly benefits, medical expenses, or other
148 10 payments under chapter 85, 85A, 85B, 86, or 87 be commuted to
148 11 a present lump sum and upon the payment of which, either to
148 12 the claimant or to a licensed insurer for purchase of an
148 13 annuity or other periodic payment plan for the benefit of the
148 14 claimant, the employer and the association shall be discharged
148 15 from all further liability for the workers' compensation
148 16 claim. Notwithstanding the provisions of section 85.45, any
148 17 future payment of medical expenses, weekly compensation
148 18 benefits, or other payment by the association under this
148 19 chapter pursuant to chapter 85, 85A, 85B, 86, or 87, is deemed
148 20 an undue expense, hardship, or inconvenience upon the employer
148 21 for purposes of a full commutation pursuant to section 85.45,
148 22 subsection ~~2~~ 1, paragraph "b", and the workers' compensation
148 23 commissioner shall fix the lump sum of the probable future
148 24 medical expenses and weekly compensation benefits capitalized
148 25 at their present value upon the basis of interest at the rate
148 26 provided in section 535.3 for court judgments and decrees.

148 27 DIVISION IV

148 28 Sec. 203. CODE EDITOR DIRECTIVE.

148 29 1. The Code editor is directed to renumber the following
148 30 Code sections in accordance with established Code section
148 31 hierarchy and correct internal references as necessary:

148 32 a. Sections 8.22, 15D.1, 28A.1, 28K.1, 29C.21, 29C.22,
148 33 152E.1, 221.1, 232.158, 232.171, 256.70, 261D.2, 272A.1,
148 34 272B.1, 307C.1, 321C.1, 321D.1, 457B.1, 473A.1, 505A.1,
148 35 692B.2, 818.1, 821.1, 907B.2, and 913.2, Code 2007.

149 1 b. Sections 152E.3 and 327K.1, Code Supplement 2007.

149 2 2. The Code editor is directed to number or renumber
149 3 provisions within the following Code sections to eliminate
149 4 unnumbered paragraphs and correct internal references as
149 5 necessary:

149 6 a. Sections 2.45, 2C.12, 6A.4, 6A.22, 6B.2, 6B.3, 6B.54,
149 7 6B.56, 7C.4A, 7D.1, 7D.6, 8A.502, 8A.504, 9C.8, 9E.6A, 9H.5,
149 8 10A.106, 12B.10C, 12C.6, 12D.1, 12D.8, 15.272, 15.329, 15.343,
149 9 15E.61, 15E.111, 15E.195, 15E.207, 16.105, 17A.6, 17A.9,
149 10 17A.17, 20.1, 20.22, 21.4, 25B.2, 28.4, 28A.10, 28B.1, 28E.23,
149 11 29B.15, 29B.28, 29B.31, 29B.40, 29B.47, 29B.50, 29B.51,
149 12 29B.53, 29B.55, 29B.63, 29B.65, 29B.91, 34A.2, 34A.8, 35C.1,
149 13 37.18, 39.2, 43.24, 43.49, 43.56, 43.67, 44.4, 47.2, 48A.19,
149 14 48A.28, 49.4, 49.47, 50.29, 50.30, 53.1, 53.3, 53.45, 68B.31,
149 15 70A.1, 70A.15, 70A.25, 80.37, 85.3, 85.35, 85A.11, 85B.8,
149 16 87.4, 89.2, 89A.8, 89B.17, 91B.1, 91C.3, 91C.7, 91E.2, 92.2,
149 17 92.6, 96.3, 96.7, 96.7A, 96.13, 96.19, 96.23, 96.29, 96.40,
149 18 97.51, 97A.6, 97A.6B, 97A.8, 97A.10, 97B.1A, 97B.8A, 97B.34A,
149 19 97B.42A, 97B.48A, 97B.49G, 97B.52, 97B.53B, 99B.2, 99B.7,
149 20 99D.13, 99F.4A, 100.39, 103A.7, 103A.9, and 103A.20, Code
149 21 2007.

149 22 b. Sections 8A.311, 8A.321, 8A.376, 8A.415, 11.2, 12C.23,
149 23 15.335, 15A.9, 15E.194, 15E.305, 22.7, 39.22, 45.1, 49.8,
149 24 52.25, 68A.402, 72.5, 80B.13, 80D.3, 96.5, 99D.5, and 103A.19,
149 25 Code Supplement 2007.

149 26 DIVISION V

149 27 EFFECTIVE DATES == APPLICABILITY

149 28 Sec. 204. EFFECTIVE DATES == APPLICABILITY.

149 29 1. The section of this Act, amending 2007 Iowa Acts,
149 30 chapter 182, section 3, being deemed of immediate importance,
149 31 takes effect upon enactment and applies retroactively to May
149 32 24, 2007.

149 33 2. The sections of this Act, amending 2007 Iowa Acts,
149 34 chapter 197, sections 33, 34, 35, 36, 38, 41, 42, and 43,
149 35 being deemed of immediate importance, take effect upon
150 1 enactment and apply effective January 1, 2009.

150 2 3. The section of this Act, amending section 104C.2,
150 3 subsection 8, as enacted by 2007 Iowa Acts, chapter 198,
150 4 section 2, takes effect July 1, 2008.

150 5 4. The sections of this Act, amending 2007 Iowa Acts,
150 6 chapter 198, sections 10, 11, and 18, take effect July 1,
150 7 2008.

150 8 EXPLANATION

150 9 This bill makes Code changes and corrections that are
150 10 considered to be nonsubstantive and noncontroversial, in
150 11 addition to style changes. Changes made include updating or
150 12 correcting various names of and references to public and
150 13 private entities and funds, correcting internal Code and
150 14 subject matter references, and making various grammatical
150 15 corrections. The Code sections in which the technical,
150 16 grammatical, and other nonsubstantive changes are made include
150 17 all of the following:

150 18 DIVISION I. Code section 2.28: Eliminates a section
150 19 self-reference in a reference to several Code sections by

150 20 substituting the words "this section" for a numerical
150 21 reference to the Code section and including the other
150 22 referenced sections in a through reference.
150 23 Code section 7K.1(2)(i): Corrects the spelling of the word
150 24 "nonwhite" by eliminating a hyphen.
150 25 Code section 12C.16: Renumbers and corrects a United
150 26 States Code citation to the federal Investment Company Act in
150 27 this provision relating to the deposit of public funds.
150 28 Code section 15.393(1) and (2)(a)(2): In a provision
150 29 providing for registration of projects for purposes of
150 30 receiving assistance pursuant to the film, television, and
150 31 video project promotion program, inserts "criteria" for
150 32 grammatical correctness and to agree with a provision
150 33 referring to other criteria. This bill also strikes a
150 34 redundant reference to "graphics" in a provision defining
150 35 "qualified expenditure" for purposes of receiving assistance
151 1 under the program.
151 2 Code section 16.181(1)(b)(1): Adds "former" to a reference
151 3 to the Iowa housing corporation in a provision establishing
151 4 the housing trust fund. Code sections 16.5A and 16.5B
151 5 providing for the Iowa housing corporation were repealed in
151 6 2007.
151 7 Code section 35.9: Deletes the words "of veterans affairs"
151 8 which appear after the word "department". The term
151 9 "department" is defined for purposes of Code chapter 35,
151 10 entitled "Veterans Affairs", as meaning the "Iowa department
151 11 of veterans affairs".
151 12 Code section 42.4(8)(b)(2): Specifies that a copy of each
151 13 resignation by an incumbent senator shall be filed with the
151 14 secretary of state if more than one incumbent senator in a
151 15 holdover senatorial district resigns in a provision relating
151 16 to redistricting plans.
151 17 Code section 85.61: Adds the word "chapter" after the word
151 18 "this" to clarify that the provisions of Code chapter 85 are
151 19 included within the list of Code chapters referenced.
151 20 Code section 87.2: Numbers the first and last unnumbered
151 21 paragraphs and adds the word "chapter" after the word "this"
151 22 to clarify that the provisions of Code chapter 87 are included
151 23 within the list of Code chapters referenced.
151 24 Code section 97D.4(1) and (4): Rearranges and designates
151 25 unnumbered paragraphs in subsection 1 that describe the
151 26 membership and meetings of the public retirement systems
151 27 committee and restructures language in subsection 4 describing
151 28 acts which may be performed by that committee.
151 29 Code section 99B.10B(3)(b)(1): Substitutes "registration"
151 30 for "registrant" in a provision relating to the denial,
151 31 suspension, or revocation of the registration for an
151 32 electrical or mechanical amusement device.
151 33 Code section 99F.12(2): Breaks a very long sentence into
151 34 smaller sentences in a provision describing regulation of
151 35 racetracks by the racing and gaming commission of the
152 1 department of inspections and appeals.
152 2 Code sections 99G.30A(2)(b), 423B.6(2)(b), and 455B.455:
152 3 Substitutes "through" for "to" in order to indicate inclusive
152 4 references to Code sections in Code chapters 422 and 423 for
152 5 purposes of referencing the provisions of those Code chapters
152 6 applicable to the administration of the monitor vending
152 7 machine excise tax, local sales and services taxes, and land
152 8 burial surcharge tax.
152 9 Code section 100.18: Renumbers this Code section relating
152 10 to the installation of smoke detectors and redesignates the
152 11 two unnumbered paragraphs of subsection 3 as lettered
152 12 paragraphs.
152 13 Code section 101B.4(1)(b): Corrects the name of the
152 14 American society of testing and materials international in
152 15 this provision relating to testing of cigarette ignition
152 16 strength.
152 17 Code sections 103.1(8) and 103.9(1): Adds a numeric
152 18 reference to Code chapter 91C, relating to construction
152 19 contractors, where there are references to being registered
152 20 with the state as a contractor to facilitate electronic
152 21 hypertext linkage to that Code chapter.
152 22 Code section 103.6: Renumbers and moves language in this
152 23 provision describing the powers and duties of the electrical
152 24 examining board.
152 25 Code section 103.22(1) and (3): Makes grammatical changes
152 26 for readability in provisions providing for the
152 27 inapplicability of the Code chapter relating to electricians
152 28 and electrical contractors.
152 29 Code sections 123A.2(9) and 554.13103(3): Substitutes a
152 30 reference to Code section 554.1201 for a reference to Code

152 31 section 554.2103 in definitions of good faith for purposes of
152 32 the beer brewers and wholesalers Code chapter and for purposes
152 33 of article 13 of the uniform commercial code, relating to
152 34 leases. The definition of good faith was stricken from Code
152 35 section 554.2103 in 2007.

153 1 Code section 135N.5(1): Corrects an incorrect reference to
153 2 Code chapter 20 in a provision stating that the hemophilia
153 3 advisory committee is subject to the Code chapter regulating
153 4 public records. Code chapter 22 regulates public records.

153 5 Code section 141A.9(2)(i): Inserts "if requested by the
153 6 victim" in a provision directing HIV-related test results to
153 7 be made available for release, pursuant to Code section
153 8 915.43, to the physician of a victim to agree with the
153 9 provision in Code section 915.43.

153 10 Code section 147.14(23): Eliminates a Code chapter
153 11 self-reference by substituting the words "this chapter" for
153 12 the numeric reference to the Code chapter.

153 13 Code section 147.37: Updates language relating to the
153 14 testing of certain candidates for licensure as health care
153 15 professionals.

153 16 Code section 148.3(1): Substitutes "the board" for "them"
153 17 in a reference to the board of medicine.

153 18 Code sections 159.20, 175A.2, 178.3, 181.3, 182.5, 183A.2,
153 19 185.3, 185C.10, and 459.102: Updates references to the name
153 20 of the college of agriculture and life sciences at Iowa state
153 21 university of science and technology.

153 22 Code section 214A.2B: Corrects a reference to an American
153 23 society for testing and materials international standard for
153 24 biodiesel testing that is to be conducted in a merged area
153 25 school laboratory.

153 26 Code section 216.9(2): Adds the noun "school" to agree
153 27 with the adjectives elementary and secondary in a list of
153 28 educational institutions subject to certain prohibitions on
153 29 unfair or discriminatory practices.

153 30 Code section 231D.5: Redesignates a subsection as a
153 31 lettered paragraph and moves another lettered paragraph to the
153 32 end of the series of paragraphs in this provision relating to
153 33 denial, suspension, or revocation of certification of adult
153 34 day services programs.

153 35 Code section 234.7(1): Combines two paragraphs that
154 1 describe a requirement that the department of human services
154 2 include a child's foster parent in department planning and
154 3 review activities associated with the child.

154 4 Code section 236.5(2): Changes the term "protection order"
154 5 to "protective order" in these provisions relating to court
154 6 orders in domestic abuse cases to conform to the actual name
154 7 given these types of orders elsewhere in this Code chapter and
154 8 Code chapter 664A.

154 9 Code section 249A.30A: Clarifies the intent of a provision
154 10 relating to persons who may receive the personal needs
154 11 allowance under the medical assistance program by completing
154 12 fragmented portions of a sentence.

154 13 Code section 256C.3(4)(d): Substitutes "professional
154 14 development" and "professional development plan" for "career
154 15 development" and "career development plan" to agree with
154 16 changes made to Code section 284.6, referenced therein, in
154 17 2007.

154 18 Code section 257.11(6)(c): Substitutes "education" for
154 19 "educational" for correct usage of the term "area education
154 20 agency".

154 21 Code sections 308.3(1, 4, and 5), 308.4(3)(b), and
154 22 308.9(1): Adds hyphens in a definition of the term
154 23 "right-of-way" in Code section 308.3 and makes conforming
154 24 changes elsewhere in the same provision and elsewhere in the
154 25 Code chapter.

154 26 Code section 321.52(4)(c) and NEW (5): Moves language
154 27 applicable to the entire Code section, which directs the state
154 28 department of transportation to adopt rules to implement
154 29 provisions relating to out-of-state sales and junked,
154 30 dismantled, wrecked, or salvage vehicles, to its own
154 31 subsection.

154 32 Code section 321J.15: Strikes an incorrect placement of
154 33 the word "substances" in a provision allowing the admission of
154 34 evidence of the alcohol concentration or the presence of a
154 35 controlled substance or other drugs in a person's body in an
155 1 operating while intoxicated proceeding.

155 2 Code section 403A.6: Updates the style and conforms the
155 3 numbering in this provision to conform to existing Code
155 4 hierarchy.

155 5 Code sections 403A.7, 452A.53, 554.2315, 554.2502,
155 6 554.2503, 554.2604, 554.2615, 554.2616, 554.2703, 554.2704,

155 7 554.2709, 554.2711, 554.2712, 554.2714, 554.2719, 554.13309,
155 8 633.113, 633.305, 633.426, 820.14, and 820.15: Substitutes,
155 9 for the words "the preceding", "the preceding sections
155 10 hereof", or "the next", the appropriate numeric references
155 11 that bear that relationship to the enumerated Code sections
155 12 and updates the style of many of those Code sections to
155 13 conform to current Code section style.
155 14 Code section 423.4(8)(d): Substitutes "are" for "is" to
155 15 agree with the plural "dates" in a provision relating to the
155 16 eligibility of an information technology facility to receive a
155 17 refund of the sales or use tax upon the sales price of all
155 18 sales of fuel used in creating heat, power, and steam for
155 19 processing or generating electrical current, or from the sale
155 20 of electricity consumed by computers, machinery, or other
155 21 equipment for operation of the technology facility.
155 22 Code sections 453A.31(2)(c) and 453A.50(3)(a)(3): Adds the
155 23 word "one" before the words "thousand dollar penalty" so that
155 24 the phrase will read "one thousand dollar penalty".
155 25 Code section 455B.109(1): Numbers an unnumbered paragraph
155 26 that describes the time frame for imposition of penalties as a
155 27 separate subsection. The unnumbered paragraph currently
155 28 appears at the end of a subsection that lists the factors to
155 29 be considered by the environmental protection commission when
155 30 penalties are imposed.
155 31 Code section 469.9(2) and (4)(b)(2): Makes grammatical
155 32 changes to agree with language used in identifying the goals
155 33 of and eligibility criteria for the Iowa power fund.
155 34 Code section 469.10(3) and (4): Substitutes "industry" for
155 35 "industrial" to cite the correct name for the north American
156 1 industry classification system in a provision making
156 2 appropriations to the Iowa power fund. In addition, the bill
156 3 substitutes "Iowa power fund" for "funds" to accurately
156 4 indicate that interest or earnings on moneys in the power
156 5 fund, rather than interest or earnings on moneys in the
156 6 workforce training and economic development funds of the
156 7 community colleges referred to elsewhere in the Code section,
156 8 shall be credited to the power fund.
156 9 Code section 477.5: Makes a grammatical correction in a
156 10 phrase so that it reads "shall no longer" rather than "shall
156 11 not longer".
156 12 Code section 479.29(2): Deletes the redundant word
156 13 "licensed" in a reference to "licensed professional engineer .
156 14 . . licensed under chapter 542B".
156 15 Code section 483A.24(3) and (4): Changes "the subsection"
156 16 to "this subsection" in two internal references.
156 17 Code section 512B.9(2): Renumbers and corrects internal
156 18 references in language relating to reimbursement of expenses
156 19 and liabilities incurred by an officer or member of the
156 20 governing body or any subordinate entity of a fraternal
156 21 benefit society due to a proceeding against that person by
156 22 reason of that person's status as an officer or member of that
156 23 governing body or subordinate entity.
156 24 Code section 554.7601A(2): Strikes the word "stolen" in a
156 25 provision relating to removal or sale of goods in a warehouse
156 26 if the warehouse receipt is lost or destroyed, to agree with
156 27 the rest of the subsection.
156 28 Code section 614.1(5): Substitutes "subsection 6" for "the
156 29 next subsection" for internal reference purposes.
156 30 Code section 633.700, unn. par. 1: Makes punctuation
156 31 changes for readability in a provision requiring an
156 32 intermediate report from a probate trustee.
156 33 Code section 718A.1, unn. par. 1: Substitutes "chapter"
156 34 for "section" to provide that the definitions in the Code
156 35 section apply to the entire Code chapter, relating to the
157 1 desecration of a flag or other insignia.
157 2 Code section 729.1: Reorders a reference to Article I,
157 3 section 4, of the Iowa Constitution to facilitate electronic
157 4 hypertext linkage to that constitutional provision.
157 5 Code section 915.20A(1): Corrects the name of the Iowa
157 6 coalition against sexual assault in a provision relating to
157 7 victim counselor privilege.
157 8 2007 Iowa Acts, chapter 182, section 3(1): Changes,
157 9 retroactive to May 24, 2007, a reference to the "effective
157 10 date of this Act" in an Acts provision enacting Code section
157 11 101B.3, by referring to the "section of this Act" because that
157 12 section of that Act had an effective date of May 24, 2007,
157 13 which was different from the rest of that 2007 Iowa Acts
157 14 chapter.
157 15 2007 Iowa Acts, chapter 197, sections 33(1), 35, 42(3), and
157 16 43(1): Changes, effective January 1, 2009, references to
157 17 "owner" to "property owner" in provisions relating to

157 18 inspections of electrical installations which take effect
157 19 January 1, 2009, to agree with terms used in similar
157 20 provisions. The bill also makes grammatical changes in
157 21 section 35 for readability.

157 22 2007 Iowa Acts, chapter 197, section 34(2): Inserts,
157 23 effective January 1, 2009, the word "stringent" in a provision
157 24 relating to the electrical wiring standards of a political
157 25 subdivision for grammatical correctness and to agree with
157 26 another similar provision in section 39 of that chapter.

157 27 2007 Iowa Acts, chapter 197, sections 36, 38(2), and 41(4):
157 28 Changes the phrase "standards of construction for safety to
157 29 health and property" to read "standards of construction for
157 30 health safety and property safety" for readability and
157 31 grammatical correctness. The changes to sections 36, 38, and
157 32 41 are effective January 1, 2009.

157 33 2007 Iowa Acts, chapter 198, section 2: Amends, effective
157 34 July 1, 2008, a definition of the term "hydronic" that is
157 35 contained in Code section 104C.2, subsection 8, as enacted in
158 1 this 2007 Iowa Act, by adding a comma between the words
158 2 "liquid" and "water" to clarify a series.

158 3 2007 Iowa Acts, chapter 198, sections 10(3), 11(1), and
158 4 18(2)(c)(3): Makes grammatical changes effective July 1,
158 5 2008, in provisions relating to the licensing and regulation
158 6 of plumbers and mechanical professionals which take effect
158 7 July 1, 2008.

158 8 Code sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2, 322.2,
158 9 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3, 453A.1,
158 10 476.44, 484B.4, 536.4, 536.5, 536.19, 536A.17, 543B.31, 589.8,
158 11 589.24, 624.27, 624.28, 727.2, and 730.2: Substitutes, for
158 12 the word "copartnership", the word "partnership" in these
158 13 provisions. The term "copartnership" and "partnership" are
158 14 equivalent terms, but "partnership" is more commonly known and
158 15 used.

158 16 Code sections 214A.2B, 258.16, 260C.40, and 282.7:
158 17 Substitutes the term "community college" for the archaic term
158 18 "merged area school". Merged area school used to refer to
158 19 community colleges and vocational=technical schools. The
158 20 technical schools were merged into and became community
158 21 colleges in 1990 as a result of the enactment of 1990 Iowa
158 22 Acts, ch. 1253.

158 23 DIVISION II. The Code sections in this division are
158 24 amended by numbering and renumbering the provisions within
158 25 volume I, and scattered provisions in volumes II through VI,
158 26 and by changing textual references as necessary. The purposes
158 27 of the numbering and renumbering are to conform certain
158 28 provisions to existing Code section hierarchy, to eliminate
158 29 "unanchored" unnumbered paragraphs within the Code sections,
158 30 to facilitate Code section readability, and to facilitate
158 31 citation to those Code provisions.

158 32 DIVISION III. The Code sections in this division are
158 33 amended by correcting internal references to provisions which
158 34 are numbered or renumbered in division II of the bill.

158 35 DIVISION IV. The Code editor is directed to number and
159 1 renumber these Code sections within the Code that are listed
159 2 in this division of the bill and correct internal references
159 3 to those Code sections which will need to be changed due to
159 4 the renumbering. The first directive includes the budget
159 5 language that is established for the office of the governor
159 6 and all of the interstate compacts and agreements that are
159 7 contained in the Code. The second directive provides for the
159 8 renumbering of Code sections that are within volume I of the
159 9 Code.

159 10 LSB 5697SV 82
159 11 lh/rj/5